

EDUCATIONAL ENDOWMENTS (IRELAND) COMMISSION.

48 & 49 Vic., CH. 78.

ANNUAL REPORT

OF THE

COMMISSIONERS,

FOR THE YEAR

1891-92,

WITH

ABSTRACT OF THE MINUTES OF THE COMMISSION,
MINUTES OF EVIDENCE, AND APPENDICES.

Presented to both Houses of Parliament by Command of Her Majesty.



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1892.

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SEVENTH REPORT

OF THE

EDUCATIONAL ENDOWMENTS (IRELAND) COMMISSION.

TO HIS EXCELLENCY ROBERT OFFLEY ASHBURTON

BARON HOUGHTON,

LORD LIEUTENANT GENERAL AND GENERAL GOVERNOR OF IRELAND.

MAY IT PLEASE YOUR EXCELLENCY,

We, the Commissioners appointed under the Educational Endowments (Ireland) Act, 1885, have the honour to submit to your Excellency the following Report of our proceedings during the seventh year in which the Act has been in operation, that is, from October 1, 1891, to September 30, 1892.

The powers of our Commission have been extended to March 31, 1893, by "The Expiring Laws Continuance Act, 1891."

On March 10, 1892, our Secretary, Mr. Wm. Edward Ellis, M.A., resigned his office, having been appointed to an Auditorship under the Local Government Board; and the Judicial Commissioners on March 11, promoted Mr. N. D. Murphy, M.A., Barrister-at-Law, the Chief Clerk of the Commissioners, to the office of Secretary, and appointed Mr. Frederick Redmond, B.A., Barrister-at-Law, to be Chief Clerk.

In January, 1892, Mr. Leslie J. Gill, Clerk of the Commission, sent in his resignation on his appointment to a Clerkship under the Congested Districts Board, and his place was filled by Mr. Stanislaus Murphy, B.A.

In July, 1892, the Rev. James B. Dougherty, M.A., resigned his Commissionerhip, and on July 21, 1892, your Excellency's predecessor, by warrant under his hand, appointed the Rev. Hamilton B. Wilson, D.D., to be an Assistant Commissioner.

The number of meetings which we held during the year for the transaction of the business of the Commission was as follows:

122 Meetings of the Full Commission.
45 Meetings of the Judicial Commissioners.
44 Meetings of the Assistant Commissioners.

Total, 211 Meetings.

A Return of the attendances at these Meetings is annexed; *infra* p. xxvi.

Besides attending the meetings included in this Return, we have individually taken part in the preparation of Schemes, and have attended at the office for the transaction of other business.

The annexed abstract of our Minutes, *infra* pp. xxvi.-cxi., contains a summary of our proceedings since our last Report.

During the year, twenty-eight Draft Schemes were published; fourteen Schemes were revised, signed by the Judicial Commissioners, and submitted for the approval of the Lord Lieutenant in Council; eighteen Schemes were provisionally approved, four were remitted to us with Declarations, and eighteen were finally approved by the Lord Lieutenant in Council.

Since the commencement of the Commission, one hundred and fifty-eight Schemes have been published; one hundred and twenty-three Schemes, including nineteen Amended Schemes, have been signed by the Judicial Commissioners; and one hundred Schemes have been provisionally approved by the Privy Council. The total number of Schemes remitted to us by the Privy Council from the commencement is twenty; and the number of Schemes finally approved by the Lord Lieutenant in Council, and now in force, is ninety-eight.

*Table II, *supra* p. xlii.* The Endowments already dealt with include School premises valued at £11,050 7s. 3d. a year, and an annual income from houses and lands of £26,659 14s. 9d., and from trust funds of £22,417 0s. 6d. The yearly income from fees, subscriptions, and other sources, of the Institutions to which these Endowments are attached, is estimated at £65,900 15s. 6d. The total amount of the property to be administered in each year, under the Schemes already published, is therefore £125,927 17s. 6d.

Tables annexed to this Report.

We beg to refer to the Tables annexed to this Report for information as to the details of our work, under the following headings:—

Infra, p. xlii. Table I. Draft Schemes already published, with the stages through which each Scheme has passed.

Infra, p. xlii. Table II. Endowments and Income of the Institutions for which Draft Schemes have been published.

Infra, p. xlii. Table III. Objections and Amendments received and considered by the Commission during the past year.

Infra, p. xlii. Table IV. Endowments with respect to which inquiries have been held, and the preparation of Schemes is under consideration.

Infra, p. xlii. Table V. Endowments declared exempt from the compulsory jurisdiction of the Commission.

Infra, p. xlii. Table VI. Exempt Endowments with respect to which applications for Consent Schemes have been received.

Infra, p. xlii. Table VII. Public Sitzings of the Commission held during the past year.

Endowments founded by Erasmus Smith.

Infra, pp. 136, 143. A Draft Scheme was prepared during the past year for the Endowments founded by Erasmus Smith, on the basis referred to in our last Report, and agreed to by a majority of the Commission at a meeting held on February 6, 1891. It was published on May 14, 1892; and numerous objections, which will be found *infra*, p. 175, were received from various individuals and public bodies interested in the Endowments. The Commissioners held a Public Sitting on October 19, 1892, and the three following days, for the hearing of these objections. The parties interested were fully heard either in person or by counsel; and the Scheme is now under the consideration of the Judicial Commissioners.

Audit.

Since the date of our last Report, a conference was held between representatives of the Commissioners and of the Local Government Board, with a view to arrange the conditions under which the audit of accounts prescribed by our Act of Parliament, and required under our Schemes, should be carried out. Rules for the audit have now been published by the Local Government Board, and a copy of them is appended to our Report. We believe that these rules will be found in every respect satisfactory, and that the several governing bodies which have been constituted under our Schemes will have their accounts audited with great efficiency and economy.

Expiration of the powers of the Commission.

The powers of the Commission under the Act of Parliament, will expire on March 31, 1893. It is, therefore, necessary that all persons who may desire to obtain Schemes through the Commission should make application for the same as soon as possible. Though the powers of the Commission may be extended by the Lord Lieutenant, under section 38 of the Act, such extension can only be made with reference to endowments specifically mentioned by the Lord Lieutenant, and in respect to which special cause is shown for the extension.

Inspection.

We have been in communication with the Chief Secretary during the year, and, at his invitation, have submitted, by letter dated October 18, 1892, our suggestions for the establishment of a satisfactory system of inspection under our Schemes. We believe that the matter is still under Your Excellency's consideration.

The Limerick Endowments.

On August 4, 1890, we published three Draft Schemes, Nos. 90, 94 and 95, relating to Endowments in Limerick, as to which questions of difficulty were raised, and conflicting claims were put forward. We held public inquiries at Limerick, both before the publication of the Draft Schemes, and subsequently, for the investigation of these cases, and for the discussion of the objections presented to us. Ultimately, in April, 1892, after careful revision, the Schemes were signed by the Judicial Commissioners, and submitted for the approval of the Lord Lieutenant in Council.

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p. 18.
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1888-90,
p. L.
Schemes,
1890-91,
p. 26.

Scheme No. 90 deals, amongst other Endowments, with the public interest in the buildings formerly belonging to the Limerick Diocesan School, which are now vested in the Commissioners of Education. They are held by the Rev. Canon Gregg, as tenant from year to year to the Commissioners, and are used by him for the purposes of an Orphanage for poor Protestant girls. Our Scheme proposed to give Canon Gregg a first charge for £450 upon the School premises, in respect of his expenditure upon them, and by way of allowance for good will. Subject to that charge, the Scheme proposed to put the premises up for public sale, giving Canon Gregg liberty to bid, and absolute credit for £450 in the event of his becoming the purchaser.

The Scheme has been remitted to us by the Lord Lieutenant, with a declaration that Canon Gregg should be given a right of pre-emption, at a price to be ascertained by valuation, but that his claim to credits out of the purchase-money should be disallowed in any event. We are at present engaged in obtaining an official valuation of the premises in order to give effect to this declaration in an amended Scheme.

Scheme No. 94 deals with the Endowments of public origin, formerly connected with the Limerick Model Farm, and vested in Trustees constituted by statute. The lands and buildings are now used for the purposes of Mangret College, Limerick, an institution maintained by the Jesuit Order for the promotion of higher education. The Scheme vests the premises absolutely in the present lessees, at a capital price of £2,500, or an annual rent of £125; and places this price or rent, with certain other funds amounting to about £2,000, under a Board of Trustees, for the promotion of Technical Education in the city and county of Limerick. This Scheme has been finally approved by the Lord Lieutenant in Council.

The remaining Limerick Scheme, No. 95, deals with "The Leamy Endowment," and still presents peculiar difficulty. The Endowment was founded in 1814 by William Leamy—"for the education of the Poor in Ireland, principally those in and about Limerick City." It now consists of School buildings which were erected and opened in 1844, at a cost of about £4,000, together with a capital sum of about £10,500 Government Stock, lodged in Chancery. From 1814 to 1844 the Endowment was in litigation. In 1844, a primary School, intended for 400 pupils of all religious denominations, was established under a Chancery Scheme. That School was carried on for upwards of twenty years, but, owing to religious differences, the attendance of pupils was always small, and ultimately the School was closed, and so remained until 1874. It was then re-opened under a further Chancery Scheme, which provided for more advanced instruction, intended to fit the pupils for employment in trading, mercantile, and manufacturing pursuits. The Governing Body is appointed by co-option, subject to the approval of the Court of Chancery, and has from time to time included some Roman Catholics. Since its re-opening, the School has been attended almost exclusively by Protestant pupils, and it has practically become an intermediate School, attended by children of the middle classes. Although there are forty free pupils, who may, more or less correctly, be described as "poor," the Endowment cannot be regarded as wholly or even mainly devoted to the charitable purpose intended by the Founder. Owing to their objections to "mixed education," the Roman Catholic Governors have declined to take any part in the management of the School, and the number of Roman Catholic pupils has been reduced to four or five, while the total number of pupils has been hardly more than one-fourth of that for which the buildings were intended.

In the immediate neighbourhood of Leamy's School, great numbers of Roman Catholic poor children are without sufficient school accommodation, while the Limerick Model School, fully equipped at the public expense for about 550 pupils, is attended by about 200, described to us as "all middle class Protestants." We called attention in our report for 1889-90, to the difficulty of dealing to the best advantage with the

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1889-90,
p. vi.

Endowments under our jurisdiction, where we could not at the same time provide upon a comprehensive plan for utilising the other means of education existing in the same locality. But failing to find any means of making the Model School available to supplement Leamy's School, so as to supply the wants both of the Protestants and of the Roman Catholics of Limerick, the Scheme for Leamy's School was framed upon the basis of dividing the Endowment, forming separate boards for the administration of the Protestant and Roman Catholic shares, and endeavouring to make its benefits more fully available for the education of the poor. The Scheme was remitted to us on August 24, 1892, with the following Declaration :—

"That while it may be desirable to make provisions for continuing to carry on the school established under the Scheme settled by the Court of Chancery with greater efficiency as a mixed school, including among such provisions (if the Commissioners think fit) a power to sell the present buildings, and to acquire other premises more suitable for educational requirements, the school which is now being carried on pursuant to the aforesaid Scheme would be put an end to, if the present scheme were approved of."

We have entered upon the consideration of this Declaration, with an anxious desire to frame some Scheme thereupon which will utilise the Endowment for the purpose intended by the Founder. But experience, and the evidence we have taken, indicate the impossibility of conducting the School "as a mixed School" with any greater efficiency than at present, and, as the present buildings are thoroughly suitable for the primary education of the poor, it seems difficult to justify their sale, having regard to the provisions of the Educational Endowments (Ireland) Act, 1885, sec. 13, "That when the founder of any educational endowment has expressly provided for the education of children belonging to the poorer classes, such endowment shall continue, so far as requisite, to be applied for the benefit of such children."

We do not think it would be consistent with this provision to extend the benefits of the Endowment to intermediate pupils of the better classes, as is done in the present School, while the needs of the poor are left unprovided for; and the Judicial Commissioners have not yet seen their way to frame an amended Scheme which would be consistent with the provisions of the statute and the intentions of the Founder on the one hand, and the expenditure of the whole fund on Leamy's School as now being carried on, and the declaration of the Privy Council, on the other.

All which we have the honour to submit for Your Excellency's consideration as our Report in the premises.

Witness our hands, this Seventeenth day of December, 1892.

GERALD FITZGIBBON.
WILLIAM O'BRIEN.
GERALD MOLLOY.
H. B. WILSON.

I agree with the above Report except so far as it relates to Leamy's Endowment, on which subject I have already expressed my opinion at the time of the publication of the Draft Scheme.

ANTHONY TRAILL.

N. D. MURPHY, Secretary,

Office of the Commission, 23, Nassau Street, Dublin.

TABLES ANNEXED TO THE FOREGOING REPORT.

TABLE I.—DRAFT SCHEMES already published, with the stages through which each Scheme has passed.

Number of Schemes.	Enforcement.			Draft Scheme first published.	Scheme signed by Judicial Commissioners.	Scheme first published by the Lord Lieutenant in Council.	Scheme provisionally approved by Lord Lieutenant in Council.	Scheme finally approved by Lord Lieutenant in Council.
	County.	Locality.	Name.					
1	Dublin.	Swords.	Swords Borough Schools.	1881. June 18.	1881. Sept. 26.	1881. Oct. 4.	1881. Revised, March 11.	1881. —
2	"	"	Swords Borough Schools (Amended Scheme).	—	1881. May 25.	1881. May 27.	1881. Aug. 18.	1881. Oct. 17.
3	"	Dublin.	Church of Ireland Training College and Education Society.	June 18.	Sept. 26.	Oct. 4.	April 4.	June 11.
4	"	Castleknock.	Morgan's and Mearns's Schools.	June 18.	Sept. 26.	Oct. 4.	1881. Revised, Jan. 2.	—
5	"	"	Morgan's School (New Draft Scheme).	1881. April 18.	1881. Sept. 26.	1881. Oct. 7.	1881. Dec. 28.	1881. Mar. 2.
6	"	Dublin.	Methodist Female Orphan School.	1881. Aug. 27.	1881. Nov. 26.	1881. Nov. 24.	1881. March 4.	1881. June 11.
7	"	Raheny and Oubek.	Raheny and Oubek Parochial Schools.	Aug. 27.	Dec. 26.	Dec. 27.	May 4.	Aug. 18.
8	"	Dublin.	Ormond-street Presbyterian Church Endowment (General Scheme).	Dec. 26.	May 14.	May 25.	July 28.	Oct. 7.
9	Antrim.	Belfast.	Orange-street Schools.	Dec. 26.	May 14.	May 25.	August 18.	Oct. 17.
10	"	"	Water Society for the Education of the Deaf and Dumb, and the Blind.	Dec. 26.	May 14.	May 25.	Transmitted, Oct. 7.	—
11	"	"	Water Society (Amended Scheme).	—	Feb. 2.	Feb. 15.	1881. May 25.	1881.
12	"	"	Water Society (Further Amended Scheme).	—	July 25.	July 26.	Oct. 12.	Dec. 28.
13	Dublin.	Dublin.	St. Patrick's Cathedral Schools (General Scheme).	Dec. 26.	May 14.	May 25.	July 28.	Oct. 7.
14	"	"	Alexandra College and Alexandra School.	Dec. 26.	May 14.	May 25.	July 28.	Oct. 7.
15	Antrim.	Belfast.	Curry School.	1881. June 25.	1881. Oct. 26.	1881. Nov. 2.	1881. Mar. 4.	1881. May 18.
16	Dublin.	Dublin.	Elizabethan Marine Society.	June 25.	Oct. 26.	Nov. 2.	Mar. 4.	May 18.
17	Armagh.	Lurgan.	Water's Endowed School.	June 25.	Oct. 26.	Nov. 2.	Mar. 4.	May 18.
18	Dublin.	Clonsilla.	National Association for Promoting the Education of the Deaf and Dumb.	June 25.	Oct. 26.	Nov. 2.	Mar. 4.	May 18.
19	Antrim.	Belfast.	Royal Belfast Academical Institution.	June 25.	Feb. 2.	Feb. 15.	Revised, May 25.	—
20	"	"	Royal Belfast Academical Institution (Amended Scheme).	—	July 25.	July 26.	Oct. 12.	Dec. 28.
21	"	"	Methodist College (General Scheme).	June 25.	Oct. 26.	Nov. 2.	Mar. 4.	May 18.
22	Down.	Lifford.	Frederic School, Harward School, and Blackrock School.	June 25.	Oct. 26.	Nov. 2.	Mar. 4.	May 18.
23	Dublin.	Dublin.	Merchant Tailors' School.	June 25.	Feb. 2.	Feb. 15.	April 18.	July 4.
24	Monaghan.	Monaghan.	Collegiate School.	June 25.	Oct. 26.	Nov. 2.	Mar. 4.	May 18.
25	Londonderry.	Crotchet.	Academical Institution.	June 25.	Oct. 26.	Nov. 2.	Mar. 4.	May 18.

TABLE L.—DRAFT SCHEMES already published, with the stages through which each Scheme has passed—continued.

Number of Scheme.	Endowment.			Draft Scheme first published.	Scheme signed by Judicial Commissioners.	Scheme approved by the Lord Lieutenant in Council.	Scheme approved by Lord Lieutenant in Council.	Scheme finally approved by Lord Lieutenant in Council.
	County.	Locality.	Name.					
21	Astoria.	Liffrim.	Nicholson Endowment (Consent Scheme).	1887. June 21.	1888. Feb. 2.	1888. Feb. 12.	1888. Resoluted, Aug. 4.	—
"	"	"	Nicholson Endowment (Amended Scheme).	—	Aug. 2.	Aug. 14.	1888. Feb. 4.	1888. April 22.
22	"	Belfast.	Lad's Industrial School.	June 21.	Feb. 2.	Feb. 12.	1888. April 12.	July 2.
23	Londonderry.	Londonderry.	Mages Protestant College (Consent Scheme).	June 21.	Feb. 2.	Feb. 12.	April 12.	July 2.
24	"	"	Gwyn's Charitable Institution and Young Endowment.	June 21.	Jan. 14.	Jan. 14.	May 12.	Aug. 2.
25	"	"	Greggan School.	June 21.	Oct. 22.	Nov. 2.	Nov. 2.	May 12.
26	Dublin.	Dublin.	Dublin Working Boys' Home and Harding Endowment.	Aug. 2.	Feb. 2.	Feb. 12.	April 12.	July 2.
27	"	"	Bertrand Female Orphan School.	Aug. 2.	Aug. 22.	Aug. 14.	Resoluted, Dec. 21.	—
"	"	"	Bertrand Female Orphan School (Amended Scheme).	—	1888. Jan. 12.	1888. Jan. 12.	1888. April 22.	1888. June 22.
28	Astoria.	Belfast.	Belfast Ragged Academy.	Aug. 2.	Feb. 2.	Feb. 12.	Resoluted, May 22.	—
"	"	"	Belfast Ragged Academy (Amended Scheme).	—	July 22.	July 22.	Oct. 12.	Dec. 22.
29	Dublin.	Dublin.	Philshorough Sunday and Daily Schools.	Aug. 2.	Jan. 12.	Jan. 12.	1888. Resoluted, Aug. 4.	—
"	"	"	Philshorough Sunday and Daily Schools (Amended Scheme).	—	Aug. 12.	Aug. 12.	1888. Nov. 12.	—
"	"	"	Philshorough Sunday and Daily Schools (Further Amended Scheme).	—	Nov. 22.	Nov. 22.	Feb. 12. ^a	1888. Aug. 2.
30	Cavan.	Tullyvin and Brehane.	Tullyvin and Brehane Schools.	Aug. 2.	Feb. 2.	Feb. 12.	April 12.	July 2.
31	Fermanagh.	Lisnashane.	Kesh School.	Aug. 2.	Feb. 2.	Feb. 12.	April 12.	July 2.
32	Dublin.	Dublin.	St. Peter's School and Mrs. Wray's School (Consent Scheme).	Aug. 2.	Feb. 2.	Feb. 12.	April 12.	July 2.
33	Londonderry.	Coleraine.	Leard Hill School.	Aug. 2.	Feb. 2.	Feb. 12.	April 12.	July 2.
34	Armagh.	Armagh.	Royal School.	1888.	1888.	1888.	1888.	—
35	Tyrone.	Broughshane.	Royal School.	1888.	1888.	1888.	1888.	—
36	Fermanagh.	Enniskillen.	Royal School.	April 22.	June 22.	July 4.	Resoluted, Nov. 2.	—
37	Cavan.	Cavan.	Royal School.	—	—	—	—	—
38	Donegal.	Baylis.	Royal School.	—	—	—	—	—
"	"	"	Royal School, Second Scheme (Amended).	—	Dec. 2.	Dec. 12.	Resoluted, May 22.	—
"	"	"	Royal School, Third Scheme (Amended).	—	1888. Aug. 14.	1888. Aug. 14.	Resoluted, Nov. 22.	—
"	"	"	Royal School, Fourth Scheme (Amended).	—	Dec. 2.	Dec. 22.	Mar. 2.	May 22.
39	Donegal.	Donegal.	The Robertson Endowment.	June 4.	April 24.	May 1.	Aug. 22.	Oct. 22.
40	Armagh.	Lurgan.	Queen's National School.	June 4.	April 24.	May 1.	July 22.	Oct. 22.
41	Cork.	Cork.	High School for Girls.	June 4.	June 2.	June 2.	Aug. 22.	Oct. 22.
42	"	Baltimore.	The Baltimore Fishery School (Consent Scheme).	June 4.	April 24.	May 1.	Aug. 22.	Oct. 22.
43	Dublin.	Dublin.	The Royal Irish Academy of Music and the Orchestral Endowment.	June 4.	April 24.	May 1.	July 22.	Oct. 22.
44	Londonderry.	Londonderry.	Londonderry Academic Institution.	June 4.	April 24.	May 1.	Resoluted, Aug. 22.	—
"	"	"	Londonderry Academic Institution (Amended Scheme).	—	Aug. 22.	Aug. 14.	Oct. 22.	1888. Jan. 22.

^a Laid on the Table of both Houses of Parliament, April 20, 1887.

TABLE I.—DRAFT SCHEMES already published, with the stages through which each Scheme has passed—continued.

Number of Scheme.	Endowment.			Draft Scheme first published.	Scheme signed by Judicial Commissioners.	Scheme first published by the Land Commission in Council.	Scheme provisionally approved by Local Government in Council.	Scheme finally approved by Local Government in Council.
	County.	Locality.	Name.					
41			The Church of Ireland Victoria Jubilee Fund (Consent Scheme).	1886. July 3.	1886. April 24.	1886. May 1.	1886. July 21.	1887. Oct. 16.
42	Limerick.	Limerick.	The Villers' Charitable Institutions.	July 3.	June 25.	July 4.	Oct. 18. 1887.	Dec. 21. 1887.
43	Antrim.	Ballymena.	Gey's Free School.	July 3.	Dec. 31.	Dec. 24.	Mar. 18.	June 2.
44	"	"	The Ballymena Academy.	July 3.	Dec. 31.	Dec. 24.	Mar. 18. 1887.	June 2.
45	Tipperary.	Cloond.	Cloond Grammar School.	July 3.	Aug. 13. 1886.	Aug. 14. 1886.	Dec. 24. 1886.	Mar. 12.
46	Kilbenny.	Kilbenny.	Kilbenny College.	Aug. 13.	Jan. 11.	Jan. 10.	Resisted. May 18.	—
"	"	"	Kilbenny College (Amended Scheme).	—	Aug. 13. 1886.	Aug. 17. 1886.	Oct. 24. 1886.	Dec. 21.
47	Cork.	Cork.	Cork Parochial Schools, Green Coat Hospital, Cork Grammar School, and Brethridge's Charity (Consent Scheme).	Aug. 13.	Jan. 22.	July 4.	Oct. 17.	Mar. 18.
48	Londonderry.	Magheraish.	Balfour's School.	Aug. 13.	Jan. 11.	Jan. 12.	May 18.*	—
"	"	"	Balfour's School and Endowment (Amended Scheme).	—	Jan. 24.	June 27.	Aug. 21.	Nov. 12.
49	Kilderry.	Thomastown.	Parochial School.	Aug. 13.	April 26.	May 1.	Aug. 10.	Oct. 10.
50	Armagh.	Armagh.	The Deacons', Mill, and Chalmers' Schools, and "Friends Robinson's Lane Fund."	Aug. 13.	April 24.	May 1.	Aug. 10.	Oct. 20.
51	Dowry.	Ballyvaughan.	The Ballyvaughan Schools.	Aug. 13.	April 24.	May 1.	Aug. 10.	Oct. 20.
52	Cork.	Cork.	The Rochelle Endowment.	Aug. 13. 1886.	April 24.	May 1.	July 21.	Oct. 18.
53	Waterford.	Waterford.	Stephen-street School.	Mar. 25.	June 22.	July 4.	Oct. 22.	Dec. 21.
54	Limerick.	Limerick.	Roanemore Road School (Consent Scheme).	Mar. 25.	—	—	—	—
55		Dioecesis of Meath.	The Parochial Schools of the Dioecesis of Meath; and the Preston School, Kesh (Consent Scheme).	Mar. 25.	Jan. 11.	Jan. 20.	May 20.	Aug. 2.
56	Meath.	Glenties.	The Glenties Schools.	Mar. 25.	Dec. 2.	Dec. 12.	Resisted. May 18.	—
"	"	"	The Glenties Schools (Amended Scheme).	—	Aug. 12.	Aug. 10.	Nov. 10.*	May 4.
57	Kildare.	Glenn.	Howden's School (Consent Scheme).	Mar. 25.	Aug. 13.	Aug. 14.	Dec. 20.	Mar. 12.
58			The Protestant Orphan Society of Ireland (Consent Scheme).	Mar. 25.	June 2.	June 2.	Aug. 10.	Oct. 10.
59	Tipperary.	Cashel.	Cashel Corporation School Endowment.	April 25.	Jan. 11.	Jan. 24.	May 10.	Aug. 2.
60	"	"	Cashel Denisy School.	April 25.	Jan. 11.	Jan. 16.	May 10.	Aug. 2.
61	Antrim.	Larne.	Larne Grammar School (Consent Scheme).	April 25.	—	—	—	—
62	Cork.		The Master Daley School and Agricultural Institute.	April 25.	1881.	1881.	1881.	1882.
63	Dowry.	Ballymacarrett.	The Lecky School Endowment.	May 25.	Aug. 17.	Aug. 25.	Nov. 25.	Feb. 10.
"		Presbyterian at Dublin.	The Endowments of and belonging to Congregations under the care of the Presbyterian of Dublin.	May 25.	Dec. 21.	Dec. 24.	Mar. 25.	June 2.
64	Cork.	Cork.	St. Stephen's Hospital (Consent Scheme).	May 25.	Dec. 25.	Dec. 24.	Mar. 12.	June 2.
65		Dioecesis of Cork, Cloyne, and Ross.	The Parochial Schools of the Dioecesis of Cork, Cloyne, and Ross, and Bishop Comer's School, Cloyne (Consent Scheme).	May 25.	Jan. 2.	Jan. 10.	May 10.	Aug. 2.
66	Cork.	Kinsale.	The Southwell School Endowment.	May 25.	Dec. 24.	Dec. 24.	Mar. 12.	June 2.
67	Wexmouth.	Beaufort Bridge.	The St. John's Charity (Consent Scheme).	June 25.	Nov. 27.	Dec. 27.	Mar. 1.	May 10.

* Held on the Tables of both Houses of Parliament, July 24, 1886. Scheme in part disapproved by Resolution of the House of Commons dated Dec. 4, 1887.

† Held on the Tables of both Houses of Parliament, January 28, 1881.

TABLE I.—DRAFT SCHEMES already published, with the stages through which each Scheme has passed—continued.

Number of Schemes.	Endowment.			Draft Scheme first published.	Scheme signed by Judicial Commissioners.	Scheme first published by the Lord Chancellor in Council.	Scheme provisionally approved by Lord Lieutenant in Council.	Scheme finally approved by Lord Lieutenant in Council.
	County.	Locality.	Name.					
60	Down.	Ripin.	Bishop Nelson's Grammar School.	1899. June 26.	1899. Dec. 9.	1899. Dec. 13.	1899. Mar. 1.	1899. May 19.
70			The Orphan Society of the Association of Irish Non-Subsiding Presbyterians and other Free Churches (Consent Scheme).	June 26.	Dec. 9.	Dec. 13.	Mar. 1.	May 20.
71	Tyros.	Strabane.	The Strabane Academy.	June 26.	—	—	—	—
72			The Sabbath School Society for Ireland in connection with the Presbyterian Church (Consent Scheme).	June 26.	Dec. 9.	Dec. 13.	Mar. 1.	May 18.
73		Dionce of Ferns.	The Parochial Schools of the Dionce of Ferns (Consent Scheme).	Aug. 30.	1899. Jan. 24.	1899. Jan. 15.	May 10.	Aug. 2.
74	Down.	Downpatrick.	The Scotchwell Charity and the Parochial Schools (Consent Scheme).	Aug. 30.	Dec. 21.	1899. Dec. 24.	May 10.	Aug. 2.
75		Presbytery of Ballybay.	The Endowments of and belonging to Congregations under the care of the Presbytery of Ballybay (Consent Scheme).	Aug. 30.	Dec. 21.	Dec. 24.	May 18.	June 2.
76		Dionce of Limerick.	The Parochial Schools of the Dionce of Limerick (Consent Scheme).	Aug. 30.	—	—	—	—
77		Dionce of Loughlin.	The Parochial Schools of the Dionce of Loughlin (Consent Scheme).	Aug. 30.	1899. Aug. 27.	1899. Aug. 25.	1899. Dec. 20.	1899. Mar. 6.
78		Presbytery of Donaghadee.	The Endowments of and belonging to Congregations under the care of the Presbytery of Donaghadee (Consent Scheme).	Aug. 30.	1899. Dec. 21.	1899. Dec. 24.	1899. Mar. 18.	1899. June 2.
79	Down.	The Ards.	Joseph Brown's Endowment.	Aug. 10.	Dec. 31.	Dec. 24.	May 18.	Aug. 2.
80	Down.	Anahilt.	The Anahilt Endowed School.	1899. April 26.	1899. Sept. 20.	1899. Oct. 7.	Dec. 10.	1899. Mar. 6.
81	Galway.	Esterville.	D'Arcy's School.	April 26.	Sept. 20.	Oct. 7.	Dec. 10.	Mar. 6.
82	Down.	Donaghadee.	The Donaghadee Free Schools.	April 26.	1899. Aug. 17.	1899. Aug. 25.	1899. Dec. 20.	1899. Mar. 6.
			The Donaghadee Free Schools (Amended Scheme).	—	1899. April 24.	1899. May 8.	1899. July 22.	1899. Sept. 20.
83		Presbytery of Ballymena.	The Endowments of and belonging to Congregations under the care of the Presbytery of Ballymena (Consent Scheme).	April 26.	1899. Nov. 27.	1899. Nov. 24.	1899. Mar. 6.	1899. May 22.
84		Presbytery of Newry.	The Endowments of and belonging to Congregations under the care of the Presbytery of Newry (Consent Scheme).	April 26.	Nov. 27.	Nov. 24.	Feb. 17.	May 4.
85	Wicklow.	Corymber.	The Corymber Royal School Endowment.	April 26.	1899. Aug. 21.	1899. Sept. 2.	1899. Dec. 20.	1899. Mar. 6.
			The Corymber Royal School Endowment (Amended Scheme).	—	1899. April 24.	1899. May 8.	1899. July 22.	1899. Sept. 20.
86	Wexmouth.	—	Arthur Smith's Charity (Consent Scheme).	April 26.	1899. Nov. 27.	1899. Nov. 24.	1899. Feb. 17.	1899. May 4.
87	Kildare.	Bedford.	Parochial School (Consent Scheme).	April 26.	Sept. 20.	Oct. 7.	Dec. 10.	Mar. 6.
88		Dionce of Armagh.	The Parochial Schools of the Dionce of Armagh (Consent Scheme).	Aug. 30.	1899. Aug. 17.	1899. Aug. 25.	1899. Dec. 20.	1899. Mar. 6.
89		Dionce of Down, Connor, and Donaghadee.	The Parochial Schools of the Dionce of Down, Connor, and Donaghadee (Consent Scheme).	Aug. 30.	1899. Nov. 27.	1899. Nov. 24.	1899. Mar. 6.	1899. May 22.
90		—	The Dionce Schools and Donaghadee Royal School Endowments.	Aug. 30.	April 27.	1899. May 8.	1899. Dec. 20.	1899. Mar. 6.
91	Downpatrick.	—	The Anne Hall Endowments.	Aug. 30.	1899. Aug. 17.	1899. Aug. 25.	1899. Dec. 20.	1899. Mar. 6.
92	Armagh.	Bedford.	The Bedford Library and Society for promoting Knowledge.	Aug. 30.	Dec. 21.	Dec. 24.	May 18.	June 2.
93		Dionce of Armagh.	The Parochial Schools of the Dionce of Armagh (Consent Scheme).	Aug. 30.	1899. Aug. 17.	1899. Aug. 25.	1899. Dec. 20.	1899. Mar. 6.
94		Limerick.	The Limerick Endowment for Technical Education.	Aug. 30.	1899. April 27.	1899. May 8.	1899. Dec. 20.	1899. Mar. 6.
95		—	The Limerick Endowment.	Aug. 30.	April 27.	1899. May 8.	1899. Dec. 20.	1899. Mar. 6.

TABLE I.—DRAFT SCHEMES already published, with the stages through which each Scheme has passed—continued.

Number of Schemes.	Endowment.			Draft Scheme first published.	Scheme signed by Judicial Commissioners.	Scheme first published by the Lord Chancellor in Council.	Scheme provisionally approved by Lord Chancellor in Council.	Scheme finally approved by Lord Chancellor in Council.
	County.	Locality.	Name.					
26		Diocese of Clonagh.	The Freehold Schools of the Diocese of Clonagh (Consent Scheme).	Aug. 4,	1891. Aug. 17,	1891. Aug. 22,	1891. Nov. 18,	1891. Feb. 16,
27		Presbytery of Carrickfergus.	The Endowments of and belonging to Congregations under the care of the Presbytery of Carrickfergus (Consent Scheme).	Aug. 4,	1891. Nov. 22,	1891. Nov. 28,	1891. Feb. 17,	1891. May 4,
28	Antrim.	Belfast.	High Henry Boyd's Endowment (Consent Scheme).	Aug. 4,	1891. Dec. 21,	1891. Dec. 24,	1891. Mar. 8,	1891. May 24,
29	Derry.	Bangor.	Bangor Endowed School.	Dec. 18,	1891.	1891.	—	—
30	Wexford.	Wexford.	The Yale School.	Dec. 18,	—	—	—	—
31	Antrim.	Belfast.	Brown Street Sunday and Daily Schools, Belfast.	Dec. 18,	Aug. 21,	1891. Sept. 2,	1891. Nov. 12,	1891. Feb. 16,
32		Diocese of Derry.	The Freehold Schools of the Diocese of Derry (Consent Scheme).	Dec. 18,	1891. Nov. 16,	1891. Dec. 5,	—	—
33	Antrim.	The Scots Presbytery.	The Endowments of and belonging to Congregations under the care of the Scots Presbytery (Consent Scheme).	Dec. 18,	1891. Dec. 22,	1891. Dec. 24,	1891. Mar. 8,	1891. May 24,
34		Diocese of Kilkeel and Ardara.	The Freehold Schools of the Diocese of Kilkeel and Ardara (Consent Scheme).	Dec. 18,	—	—	—	—
35	Cork.	Kilkeel.	Middleton Endowed School.	1891.	—	—	—	—
36	Wexford.	New Ross.	John Dwyer's School.	Mar. 8,	—	—	—	—
37	Derry.	Killybegs.	The Killybegs Schools.	Mar. 8,	—	—	—	—
38		Diocese of Kilmore.	The Freehold Schools of the Diocese of Kilmore (Consent Scheme).	Mar. 8,	1891. April 12,	1891. May 2,	1891. Nov. 2,	—
39	Cork.	Kinsale.	The Southwell School Endowment, Kinsale (Unpublished Scheme).	Mar. 8,	April 10,	May 2,	July 21,	Sept. 10,
40	Cork.	Crookhaven.	The Crookhaven Endowments.	Mar. 8,	—	—	—	—
41	North Cork, Dublin.	—	The Freehold Endowment for The Freehold School, North Cork, the Fullbrook Endowed School, and King's Hospital, Corkdown.	Mar. 8,	—	—	—	—
42	Antrim.	Belfast.	The Endowments of and belonging to "Thames Street Presbyterian Church," and the Henry Martin Johnston Charity (Consent Scheme).	April 10,	1891. Dec. 21,	1891. Dec. 24,	1891. Mar. 8,	1891. May 24,
43	Wexford.	Co. Wexford.	The Ulth Pool Endowment.	April 10,	—	—	—	—
44	Longford.	Freemantle.	The Liondon Endowed School.	April 10,	—	—	—	—
45		Presbytery of Cavanagh.	The Endowments of and belonging to Congregations under the care of the Presbytery of Cavanagh (Consent Scheme).	April 10,	—	—	—	—
46		Presbytery of Ards.	The Endowments of and belonging to Congregations under the care of the Presbytery of Ards (Consent Scheme).	April 10,	1891. April 10,	1891. May 2,	1891. July 21,	1891. Sept. 10,
47	Leith.	—	The Leigh Charity (Consent Scheme).	April 10,	—	—	—	—
48	Antrim.	Belfast.	The Belfast Natural History and Philosophical Society.	May 20,	1891. Dec. 22,	1891. Dec. 24,	1891. April 12,	1891. Aug. 29,
49		Presbytery of Cavan.	The Endowments of and belonging to Congregations under the care of the Presbytery of Cavan (Consent Scheme).	May 20,	—	—	—	—
50		Presbytery of Tyrone.	The Endowments of and belonging to Congregations under the care of the Presbytery of Tyrone (Consent Scheme).	May 20,	—	—	—	—
51	Dublin.	Dublin.	The General Infants Home Endowments.	May 20,	—	—	—	—
52	Antrim.	Parish of Rameau, Charleville.	John Sharp's Endowment, Ballycastle.	May 20,	—	—	—	—
53	Cork and Limerick.	Dublin.	The Charleville Endowment.	June 20,	—	—	—	—
54		Dublin.	The Catholic University School of Medicine (Consent Scheme).	June 20,	Dec. 22,	Dec. 24,	Mar. 8,	May 24,
55	North and Longford.	—	The Charleville Charity.	June 20,	—	—	—	—
56		Presbytery of Clonagh.	The Endowments of and belonging to Congregations under the care of the Presbytery of Clonagh (Consent Scheme).	June 20,	Dec. 22,	Dec. 24,	Mar. 8,	May 24,

TABLE I.—DRAFT SCHEMES already published, with the stages through which each Scheme has passed—continued.

Number of Schemes.	Endowment.			Draft Scheme first published.	Scheme approved by Judicial Commissioners.	Scheme first published by the Lord Lieutenant in Council.	Scheme previously approved by Lord Lieutenant in Council.	Scheme finally approved by Lord Lieutenant in Council.
	County.	Localty.	Name.					
127		District of County.	The Parochial Schools of the District of County (General Scheme).	1901. June 25.	1902.			
128	Galway.	Egmont.	The Baskin Endowment.	Aug. 16.	—	—	—	—
129	Derry.	Parishes of Kesh and Ballyvaughan.	The Hon. Michael Ward's Endowment.	Aug. 16.	—	—	—	—
130		District of County.	The Parochial Schools of the District of County (General Scheme).	Aug. 16.	—	—	—	—
131	Kildare.	Kilnaglogh.	The Kilnaglogh School and General Endowment.	1903. Feb. 24.	—	—	—	—
132		Parish of Donaghadee.	Endowments of and belonging to Congregations under the care of the Parish of Donaghadee (General Scheme).	Feb. 25.	—	—	—	—
133		Parish of Derry.	Endowments of and belonging to Congregations under the care of the Parish of Derry (General Scheme).	Feb. 25.	—	—	—	—
134	Galway.	Loughrea.	The Lyons Endowment.	Feb. 25.	—	—	—	—
135		District of County.	The Parochial Schools of the District of County (General Scheme).	Feb. 25.	—	—	—	—
136	Wexford.	Corkin.	The Baskin Endowment.	May 14.	—	—	—	—
137		Parish of Carrigrohane.	Endowments of and belonging to Congregations under the care of the Parish of Carrigrohane (General Scheme).	Feb. 25.	—	—	—	—
138	Armagh.	Armagh.	The Donaghadee, Mill, and Carrigrohane Schools, Armagh, and Trinity Endowment (Armagh Local Fund (General Scheme)).	Mar. 21.	—	—	—	—
139		Parish of Carrigrohane.	Endowments of and belonging to Congregations under the care of the Parish of Carrigrohane (General Scheme).	Mar. 21.	—	—	—	—
140	Londonderry.	Colebrook.	The Colebrook Endowment (Supplementary Scheme).	Mar. 21.	—	—	—	—
141		District of County.	The Parochial Schools of the United District of County (General Scheme).	Mar. 21.	—	—	—	—
142		County of Carrigrohane and Carrigrohane.	The Carrigrohane Endowment (Supplementary General Scheme).	Mar. 21.	—	—	—	—
143	Leath.	Leath.	The Vincent Endowment.	Mar. 21.	—	—	—	—
144	Varney.	Varney.	The Varney Endowment.	May 14.	—	—	—	—
145	Armagh.	Ballyvaughan.	The Carrigrohane Endowment.	May 14.	—	—	—	—
146	Londonderry.	Londonderry.	The Endowment of and belonging to the Carrigrohane Parish Church, in the City of Londonderry.	May 14.	—	—	—	—
147		District of County.	The Parochial Schools of the United District of County, Londonderry, and Carrigrohane (General Scheme).	May 14.	—	—	—	—
148	Kildare.	Kildare.	The Kildare Endowment.	May 14.	—	—	—	—
149	Dublin.	St. James.	The St. James Technical School.	Aug. 15.	—	—	—	—
150	Leath.	Leath.	The Leath School.	Aug. 15.	—	—	—	—
151		Parish of Carrigrohane.	The Endowment of and belonging to Congregations under the care of the Parish of Carrigrohane (General Scheme).	Aug. 15.	—	—	—	—
152	Armagh.	Ballyvaughan.	The Carrigrohane Endowment.	Aug. 15.	—	—	—	—
153	Dublin.	Dublin.	The Dublin Protestant Reformatory School.	Aug. 15.	—	—	—	—
154		District of County.	The Carrigrohane Endowment (General Scheme).	Aug. 15.	—	—	—	—
155	Cork.	Newmarket.	The St. Leger Endowment.	Aug. 15.	—	—	—	—
156	Leath.	Leath.	The Carrigrohane Endowment.	Aug. 15.	—	—	—	—
157		Parish of Carrigrohane.	The Endowment of and belonging to Congregations under the care of the Parish of Carrigrohane (General Scheme).	Aug. 15.	—	—	—	—
158	Dublin.	Dublin.	The Carrigrohane Endowment (General Scheme).	Aug. 15.	—	—	—	—

TABLE II.—ENDOWMENTS of the several Institutions for which Draft Schemes have been published, with the estimated Income of these Institutions from fees, subscriptions, and other sources.

No. of Scheme.	Endowment.			Valuation of School Premises.	Annual Income of Endowment.		Yearly Income from Fees, Subscriptions and other Sources.	Total Amount of the Property to be administered in each year under Scheme.
	County.	Locality.	Name.		From Messrs and Lands.	From Trust Funds.		
1	Dublin.	Swords.	Swords Old Borough Schools.	£ s. d. 30 0 0	—	215 18 6	£ s. d. 437 11 4	£ s. d. 437 11 4
2	"	"	Swords New Borough Schools.	15 0 0	—	—	—	—
3	"	Dublin.	Church of Ireland Training College.	178 0 0	—	73 28 6	4,380 0 0	5,241 18 6
4	"	"	Morgan's School.	73 0 0	156 8 7	8 1 0	—	754 8 7
5	"	"	Morgan's School (deserted except).	—	—	—	—	—
6	"	Dublin.	Methodist Female Orphan School.	28 0 0	—	111 10 0	138 18 8	269 18 8
7	"	Raheny.	Raheny Parochial School.	12 0 0	—	—	—	—
8	"	Cork.	Cork Parochial School.	16 4 7	—	8 0 1	—	27 4 7
9	"	Dublin.	Congregational Free Protestant Church Endowment.	28 0 0	378 4 8	114 2 1	26 18 4	645 8 8
10	Astoria.	Belfast.	Marshall's School.	38 0 0	303 0 0	—	411 8 4	712 8 4
11	"	"	Ulster Society for the Education of the Deaf and Dumb and the Blind.	688 8 0	—	1,082 8 1	4,211 15 1	5,981 13 1
12	"	"	St. Patrick's Catholic Charities' School.	18 0 0	—	—	368 0 0	—
13	"	Dublin.	St. Patrick's Denary Schools.	15 8 0	—	—	—	—
14	"	"	Knights' Endowed School.	58 8 0	78 0 0	—	—	480 8 0
15	"	"	Newry Marine Endowment.	—	78 0 0	—	—	—
16	"	"	Alexandra College.	214 0 0	150 0 0	—	7,447 16 18	8,801 16 18
17	"	"	Alexandra School.	—	—	—	7,118 10 7	—
18	Astoria.	Belfast.	Curry School.	22 0 0	18 0 0	71 18 0	212 7 7	515 9 7
19	Dublin.	Dublin.	Edwardsian Marine Society.	128 0 0	458 17 21	608 18 0	18 18 0	1,215 8 1
20	Armagh.	Lurgan.	Watts' Endowed School.	88 0 0	—	281 0 0	218 0 0	826 0 0
21	Dublin.	Clarendon.	National Association for the Education of the Deaf and Dumb Royal Dublin Asylum.	184 0 0	188 0 0	384 0 0	904 0 0	1,656 0 0
22	Astoria.	Belfast.	Katherine College.	588 8 0	512 8 0	188 18 0	799 14 2	1,988 18 0
23	"	"	Patrician School.	188 8 0	716 18 0	518 8 0	4,608 11 8	5,541 0 11
24	"	"	Edward School.	81 0 0	—	424 18 10	118 18 2	—
25	"	"	Edward School.	17 8 0	38 8 0	48 2 1	8 8 0	781 18 0
26	"	"	Blackrock School.	8 18 0	—	17 10 0	8 11 0	—
27	Dublin.	Dublin.	Merchant Tailors' School.	72 0 0	878 0 0	18 0 0	—	928 0 0
28	Wexford.	Macanagh.	Collegiate School.	80 0 0	—	—	818 8 0	898 8 0
29	Londonberry.	Coleman.	Academy Institution.	187 8 0	—	80 0 0	1,218 0 0	1,405 8 0
30	Astoria.	Lisburn.	Knights' Endowment.	11 0 0	—	8 0 0	—	27 0 0
31	"	Belfast.	Ladies' Industrial School.	158 8 0	78 8 0	78 0 0	818 0 0	915 8 0
32	Londonberry.	Londonberry.	High College.	378 0 0	—	1,642 0 0	887 0 0	2,548 0 0
33	"	"	Gwyn's Charitable Institution.	818 0 0	88 18 8	1,321 18 1	—	2,227 18 1
34	"	"	Young Endowment.	—	—	2188 0 0	—	—
35	"	"	Cragga School.	30 10 0	—	—	—	34 10 0
36	"	"	Dublin Working Boys' Home.	48 8 0	—	—	378 0 0	—
37	Dublin.	Dublin.	Harding Endowment.	—	—	6437 8 0	—	1,028 4 0
38	"	"	Burton's Female Orphan School.	82 0 0	884 0 0	18 8 0	—	770 8 0
39	Astoria.	Belfast.	Belfast Academy.	280 0 0	78 8 0	—	1,800 0 0	2,158 8 0
40	Dublin.	Dublin.	Protestant Sunday and Daily Schools.	38 0 0	8 8 1	187 21 0	8 0 0	189 18 1
41	Ovva.	Tollyva.	Tollyva and Besham Schools.	16 18 8	—	378 18 7	—	394 8 7
42	Fermanagh.	Lisnakea.	West School.	18 0 0	78 8 0	—	48 8 0	76 8 0
43	"	"	Central School.	4,854 18 7	4,034 18 1	18,730 8 0	27,469 14 1	44,358 12 8

* Exclusive of School Fees which do not come into the hands of the Governing Body, but are paid directly to the Masters.

† Exclusive of Marine Endowment of £11,800 for Besham Hall.

‡ Exclusive of endowment of £10,000 for Tollyva and Besham.

§ £100 a year will be available when a life aged 64 drops, and a further sum of £125 a year when a life aged 78 drops.

TABLE II.—ENDOWMENTS of the several Institutions for which Draft Schemes have been published, with the estimated Income of these Institutions from fees, subscriptions, and other sources—continued.

No. of Scheme.	Endowment			Valuation of School Premises.	Annual Income of Endowment		Yearly Income from Fees, Subscriptions and other Sources.	Total Amount of the Property to be administered in each year under Scheme.
	County.	Locality.	Name.		From Houses and Lands.	From Trust Funds.		
			Brought forward,	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
			St. Peter's Schools,	4,484 16 7	4,434 16 1	16,810 8 0	37,450 16 1	43,000 12 8
43	Dublin.	Dublin.	Mrs. Wray's School,	—	176 17 8	26 12 0	202 8 8	462 18 8
44	Londonderry.	Coleraine.	Local H.B. School,	0 0 0	0 0 0	—	—	0 0 0
	Armagh.	Armagh.	Royal School,	506 0 0	1,124 1 8	36 16 0	—	—
	Tyrone.	Desmagone.	Royal School,	131 0 0	1,190 1 1	7 8 6	—	—
44	Fermanagh.	Enniskillen.	Royal School,	182 0 0	5,072 12 8	67 4 6	—	5,321 10 1
	Down.	Down.	Royal School,	66 10 0	687 11 8	146 18 4	—	—
	Down.	Down.	Royal School,	26 0 0	125 18 0	—	—	—
46	Down.	—	The Robertson Endowment,	75 0 0	—	677 8 0	—	402 0 0
46	Armagh.	Lurgan.	Queen-street National School,	40 0 0	—	—	48 0 0	80 0 0
47	Cork.	Cork.	High School for Girls,	48 0 0	—	—	1,360 0 0	1,168 0 0
48	—	Baltimore.	The Baltimore Primary School,	43 0 0	—	—	1,367 0 0	1,509 0 0
49	Dublin.	Dublin.	The Royal Irish Academy of Music,	506 0 0	30 0 0	860 7 11	2,379 16 0	—
			The O'Connell Endowment,	—	—	419 16 0	—	3,164 16 0
49	Londonderry.	Londonderry.	Londonderry Acad. Institution,	161 0 0	—	—	11,214 8 0	1,315 0 0
51	—	White of In-	The Church of Ireland Victoria Jubilee Fund,	—	—	808 17 8	—	308 17 8
52	Limerick.	Limerick.	Villiers' Charitable Institution,	171 0 0	689 18 1	775 0 0	—	1,433 7 1
53	Armagh.	Ballypore.	Gay's Free School,	38 0 0	—	84 0 0	—	124 0 0
54	—	—	The Ballymena Academy,	38 0 0	—	—	58 0 0	168 0 0
55	Tipperary.	Glennal.	Glennal Endowed School,	48 0 0	446 17 8	—	—	594 17 8
56	Kilfenora.	Kilfenora.	Kilfenora College,	42 0 0	159 4 1	—	—	171 4 1
			St. Ellen's Parochial Schools,	66 0 0	0 0 0	—	—	—
			St. John's Parochial Schools,	0 0 0	—	—	160 0 0	—
			St. Mary's Parochial Schools,	48 0 0	—	61 0 0	11 0 0	—
			St. Nicholas' Parochial and Industrial Schools,	66 0 0	—	171 11 0	1,401 16 10	—
57	Cork.	Cork.	St. Peter's Parochial Schools,	38 16 6	80 16 6	182 16 7	—	2,508 16 0
			Christ Church Parochial Schools,	30 0 0	12 0 0	0 0 0	07 16 0	—
			Green Coat Hospital,	700 0 0	156 0 0	6 16 0	—	—
			Grimsar School,	30 0 0	—	—	656 0 0	—
			Knockbridge's Charity,	326 16 6	145 0 0	27 16 0	—	—
58	Londonderry.	Magherafelt.	Ramay's School,	700 0 0	181 16 8	—	91 0 0	218 16 8
59	Kilfenora.	Thomastown.	Parochial School,	4 16 8	—	0 4 0	80 0 0	41 2 8
			The Driffield School,	26 0 0	111 16 4	—	—	—
60	Armagh.	Armagh.	The Mall School,	30 0 0	40 7 5	—	16 0 0	—
			The O'Connell School,	0 0 0	—	—	—	—
			Private Education's Loan Fund,	—	—	18 0 0	—	—
61	Down.	Down.	The Bellin School,	66 0 0	—	413 0 0	882 0 0	1,400 0 0
62	Cork.	Cork.	The Rockville Seminary,	100 0 0	—	68 16 4	1,323 4 2	1,423 16 0
			Carried forward,	4,759 4 7	12,819 12 8	18,023 4 7	35,610 0 10	32,464 18 0

* The School Fees do not come into the hands of the Governing Body, but are paid directly to the system.

† The fee is paid directly to the system, with the exception of the fee for Modern Languages, which are received by the Secretary, who pays 250 a year to the Modern Languages Master.

‡ Rev. Mr. King, the present master, holds 1/16 yearly as Diocesan Schoolmaster under Irish Church Act, 1836.

§ Estimated, the school house not appearing in valuation books.

TABLE II.—ENDOWMENTS of the several Institutions for which Draft Schemes have been published, with the estimated Income of these Institutions from fees, subscriptions, and other sources—continued.

No. of Scheme.	Endowment.			Valuation of School Premises.	Amount Income of Endowment.		Total Income from Fees, Subscriptions and other Sources.	Total Amount of the Property to be utilised in each year under Scheme.
	County.	Locality.	Name.		From Rents and Lands.	From Trust Funds.		
			Brought forward.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
37	Waterford.	Waterford.	Stephen-street School.	20 0 0	—	—	—	20 0 0
38	Limerick.	Limerick.	Reverend's-road School.	—	—	—	200 0 0	200 0 0
39		Diocese of Meath.	The Parochial Schools of the Diocese of Meath.	400 0 0	24 14 6	126 15 8	15,440 0 0	15,610 0 0
40			The Passion School, Navan.	100 0 0	480 12 1	121 0 0	—	5,911 0 0
41	North.	Gloucester.	The Olden School.	10 0 0	—	703 4 8	500 15 0	1,410 0 0
42	Kildare.	Clonsilla.	Marston's School.	175 0 0	204 12 6	14 0 4	60 0 0	454 0 0
43			The Presbyterical Synodical Society of Ireland.	30 0 0	40 0 0	1,640 0 0	11,900 0 0	12,340 0 0
44	Tipperary.	Cahir.	Cahir Corporation School Endowment.	24 0 0	120 0 0	—	—	224 0 0
45	"	"	Cahir Diocesan School.	10 0 0	87 0 0	28 12 10	0 0 0	125 0 0
46	Armagh.	Larne.	Larne Grammar School.	26 10 0	—	20 10 0	44 0 0	200 0 0
47	Cork.	—	The Mauder Dairy School and Agricultural Institute.	424 15 0	—	25 0 4	1600 0 1	2050 0 0
48	Down.	Ballymacarrett.	The Lady School Endowment.	—	—	77 7 10	—	80 0 0
49		Presbytery of Dublin.	The Endowments of and belonging to Congregations under the care of the Presbytery of Dublin.	60 0 0	—	—	10 0 0	100 0 0
50	Cork.	Cork.	St. Stephen's Hospital.	40 0 0	426 11 10	60 0 0	—	466 11 10
51		Diocese of Cork, Cloyne, and Ross.	The Parochial Schools of the Diocese of Cork, Cloyne, and Ross.	1,120 0 0	40 0 0	110 7 10	15,600 0 0	16,770 0 0
52			Bishop Crooke's School, Cloyne.	10 0 0	225 0 10	24 0 0	72 0 0	331 0 0
53	Cork.	Kinsale.	The Southwell School Endowment.	1 10 0	60 0 0	—	—	24 10 0
54	Wexmouth.	Beckfort Bridge.	The St. John's Charity.	0 10 0	40 0 0	—	625 0 0	675 0 0
55	Keshmonee.	Sligo.	Bishop Hobson's Grammar School.	0 0 0	160 0 0	—	60 0 0	220 0 0
56			The Synodical Society of the Association of Irish Non-Subscribing Presbyterians and other Free Churches.	—	—	80 10 0	826 0 10	906 10 10
57	Tyrone.	Strabane.	The Strabane Academy.	20 0 0	—	—	—	20 0 0
58			The Rathfriland School Society for Ireland in connection with the Presbyteries of the Church.	—	—	61 17 4	500 10 0	561 17 4
59		Diocese of Fermanagh.	The Parochial Schools of the Diocese of Fermanagh.	2170 0 0	20 0 0	80 10 0	1,544 0 0	2,464 0 0
60	Down.	Downpatrick.	The Southwell Charity.	170 0 0	11 0 0	210 10 0	—	391 0 0
61			The Parochial Schools.	22 0 0	—	—	700 0 0	722 0 0
62		Presbytery of Belfast.	The Endowments of and belonging to Congregations under the care of the Presbytery of Belfast.	100 0 0	—	—	1,600 0 0	1,700 0 0
63		Diocese of Limerick.	The Parochial Schools of the Diocese of Limerick.	240 0 0	20 0 0	100 1 1	1,900 0 0	2,261 1 1
64		Diocese of Loughlin.	The Parochial Schools of the Diocese of Loughlin.	1,100 0 0	0 0 0	0 10 0	231 10 0	1,331 10 0
			Carried forward.	5,725 10 7	15,416 20 0	12,736 11 0	19,404 16 0	19,881 6 0

* The School Fees do not come into the hands of the Governing Body, but are paid directly to the master.

† This does not include farm produce.

‡ Estimated.

TABLE II.—ENDOWMENTS of the several Institutions for which Draft Schemes have been published, with the estimated income of those Institutions from fees, subscriptions, and other sources—continued.

No. of Schemes.	Endowment.			Valuation of School Estates.	Annual Income of Endowment.		Yearly Income from Fees, Subscriptions and other sources.	Total Amount of the Property to be administered in each year under Scheme.
	County.	Locality.	Name.		From House and Lands.	From Trust Funds.		
				£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
			Brought forward.	8,120 14 7	36,693 16 0	36,051 14 0	63,211 14 0	100,000 12 0
70		Protestant of Bessborough.	The Endowments of end belonging to Congregations under the care of the Protestant of Bessborough.	80 0 0	30 10 0	—	60 10 0	110 0 0
71	Down.	The Ards.	Joseph Brown's Endowment.	—	27 10 0	127 10 0	—	154 0 0
72	"	Ards.	The Ards Endowed School.	11 10 0	—	27 10 0	—	38 0 0
73	Down.	Ballinacorney.	St. Michael's School.	23 0 0	—	35 10 0	—	58 0 0
74	Down.	Downpatrick.	Robert Alexander School.	12 0 0	—	10 0 0	20 11 0	42 11 0
75	"	"	Admiral Leslie's Free School.	112 0 0	—	21 0 0	40 0 0	133 0 0
76		Protestant of Bessborough.	The Endowments of end belonging to Congregations under the care of the Protestant of Bessborough.	120 0 0	—	—	600 0 0	620 0 0
77		Protestant of Bessborough.	The Endowments of end belonging to Congregations under the care of the Protestant of Bessborough.	16 10 0	—	—	200 0 0	216 10 0
78	Wicklow.	Corydon.	The Corydon Royal School Endowment.	16 0 0	144 0 0	61 14 11	—	221 14 11
79	Westmeath.	—	Arthur Scott's Charity.	—	100 0 0	—	—	100 0 0
80	Kildare.	Ballinacorney.	Parochial School.	1 10 0	—	0 0 0	—	1 10 0
81		Dioecesis of Armagh.	The Parochial Schools of the Dioecesis of Armagh.	1000 0 0	—	—	—	1000 0 0
82		Dioecesis of Down, Connor, and Downpatrick.	The Parochial Schools of the Dioecesis of Down, Connor, and Downpatrick.	—	—	—	—	—
83		—	The Dioecesis Schools Endowment.	80 0 0	—	30 10 0	—	110 0 0
84	King's.	Bessborough.	Stanger Royal School Endowment.	—	1040 0 0	10 0 0	—	1050 0 0
85	Fermanagh.	—	The Anne Hall Endowment.	0 10 0	—	100 7 0	—	100 7 0
86	Downpatrick.	—	The Anne Hall Endowment.	—	—	—	—	—
87	Armagh.	Belmont.	The Belmont Library and Society for promoting Knowledge.	—	—	—	714 4 0	714 4 0
88		Dioecesis of Armagh.	The Parochial Schools of the Dioecesis of Armagh.	20 10 0	0 0 0	—	200 10 0	220 10 0
89	Lisnakeil.	Lisnakeil.	The Lisnakeil Endowment for Technical Education.	10 0 0	—	100 0 0	—	110 0 0
90	"	"	The Leamy Endowment.	100 0 0	—	100 7 0	160 0 0	260 7 0
91		Dioecesis of Clogher.	The Parochial Schools of the Dioecesis of Clogher.	1000 0 0	30 0 0	10 10 7	—	1040 10 7
92		Protestant of Carrickfergus.	The Endowments of end belonging to Congregations under the care of the Protestant of Carrickfergus.	20 10 0	—	—	621 0 0	641 10 0
93	Antrim.	Belmont.	High Henry Boyd's Endowment.	—	604 7 0	100 0 0	—	704 7 0
94	Down.	Bessborough.	Bessborough Endowed School.	30 0 0	—	30 10 0	—	60 10 0
95	Wexford.	Wexford.	The Yate School.	40 0 0	—	104 0 0	20 0 0	164 0 0
96	Antrim.	Belmont.	Down Street Sunday and Daily School, Belmont.	20 4 0	20 0 0	—	180 0 0	200 4 0
97		Dioecesis of Derry.	The Parochial Schools of the Dioecesis of Derry.	—	—	—	—	—
			Brought forward.	8,620 10 7	36,693 0 0	36,051 0 0	63,211 17 0	100,800 12 0

* The School Fees do not come into the hands of the Governing Body, but are paid directly to the masters.

† Estimated.

‡ Not yet complete.

§ Subject to Treasury Order of 1898 18s 11d.

|| Estimated value of Bessborough National School.

TABLE II.—ENDOWMENTS of the several Institutions for which Draft Schemes have been published, with the estimated income of these Institutions from fees, subscriptions, and other sources—continued.

No. of Schemes.	Endowment.			Valuation of School Property.	Annual Income of Endowment.			Yearly Income from Fees, Subscriptions and other sources.	Total Amount of the Property to be administered in each year under Scheme.
	County.	Locality.	Name.		From House and Land.	From Trust Funds.			
			Brought forward, . . .	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
103		The House of the Holy Trinity.	† The Endowments of and belonging to Congregations under the care of the House of the Holy Trinity.	—	—	—	—	—	—
104		Diocese of Kilmore and Ards.	† The Parochial Schools of the Diocese of Kilmore and Ards.	—	—	—	—	—	—
105	Cork, .	Midleton, .	Midleton Endowed School, . . .	40 0 0	137 8 4	20 20 0	—	—	378 8 4
106	Wexford, .	New Ross, .	John Henry's School, . . .	30 7 6	10 0 0	—	—	—	40 7 6
107	Down, .	Killybegs, .	The Killybegs School, . . .	310 0 0	14 10 0	—	—	—	324 10 0
108		Diocese of Kilmore.	† The Parochial Schools of the Diocese of Kilmore.	—	—	—	—	—	—
109	Cork, .	Kilnash, .	† The Southwell School Endowment, Kilnash (Supplemental Scheme).	—	—	—	—	—	—
110	Cork, .	Glenduff, .	The Crofton Endowment, . . .	0 0 0	40 0 0	—	—	—	40 0 0
111	Queen's, .	—	The Purdon Endowment for Salfrey, . . .	0 0 0	30 13 0	07 30 0	—	—	37 43 0
112	Ards, .	Infant, .	† The Endowments of and belonging to Townsend Street Presbyterian Church.	324 0 0	30 0 0	—	300 0 0	—	654 0 0
			The Henry Martin Johnston Charity	—	—	615 10 0	—	—	615 10 0
113	Wexford, .	—	The Urban Poor Endowment, . . .	7 10 0	—	00 10 0	—	—	17 10 0
114	Longford, .	Newtown-Fraser, .	The Lincolne Endowed School, . . .	20 0 0	10 7 0	40 0 0	—	—	70 7 0
115		Presbytery of Cavanagh.	† The Endowments of and belonging to Congregations under the care of the Presbytery of Cavanagh.	60 10 0	22 0 0	—	140 0 0	—	222 10 0
116		Presbytery of Ards.	† The Endowments of and belonging to Congregations under the care of the Presbytery of Ards.	—	—	—	—	—	—
117	Leath, .	—	The Leigh Charity, . . .	—	01 1 0	—	—	—	01 1 0
118	Ards, .	Delish, .	The Belfast National History and Philosophical Society	150 0 0	40 17 0	10 10 0	210 10 0	—	410 7 0
119		Presbytery of Cavan.	† The Endowments of and belonging to Congregations under the care of the Presbytery of Cavan.	—	—	—	—	—	—
120		Presbytery of Tyrone.	† The Endowments of and belonging to Congregations under the care of the Presbytery of Tyrone.	40 0 0	—	—	300 0 0	—	340 0 0
121	Delish, .	Dublin, .	The General O'Connell House Endowment.	—	37 0 0	20 10 0	—	—	57 10 0
122	Ards, .	Parish of Ramon, .	John Henry's Endowment, Salfrey, . . .	—	—	7 10 0	—	—	7 10 0
123	Cork and Limerick, .	Charleville, .	The Charleville Endowment, . . .	—	00 20 0	—	—	—	20 20 0
124	Dublin, .	Dublin, .	The Catholic University School of Medicine.	00 0 0	—	184 0 0	—	—	184 0 0
125	North and Longford, .	—	The Charles Charity, . . .	—	400 0 0	200 0 0	—	—	600 0 0
126		Presbytery of Cavan.	† The Endowments of and belonging to Congregations under the care of the Presbytery of Cavan.	10 0 0	100 0 0	01 11 0	20 10 0	—	211 11 0
127		Diocese of Cavan.	† The Parochial Schools of the Diocese of Cavan.	—	—	—	—	—	—
128	Galway, .	Kyness, .	The Kyness Endowment, . . .	4 10 0	—	13 0 0	—	—	17 10 0
129	Down, .	Parish of Killybegs & Salfrey.	The Hon. Michael Ward's Endowment.	—	70 0 0	24 10 0	—	—	94 10 0
130		Diocese of Elphin.	† The Parochial Schools of the Diocese of Elphin.	—	—	—	—	—	—
			Carried forward, . . .	10,212 0 0	14,310 0 0	38,100 0 0	54,700 0 0	—	123,322 0 0

* The School Fees do not come into the hands of the Governing Body, but are paid directly to the masters.

† Estimated.

‡ Probable not yet complete.

§ Particulars given at Scheme No. 47.

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TABLE II.—ENDOWMENTS of the several Institutions for which Draft Schemes have been published, with the estimated Income of these Institutions from fees, subscriptions, and other sources—continued.

No. of Scheme.	Endowment.			Valuation of School Premises.	Annual Income of Endowment		Yearly Income from Fees, Subscriptions and other Sources.	Total amount of the Property to be administered in each year under Scheme.
	County.	Locality.	Name.					
					From House and Lands.	From Trust Funds.		
				£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
			Brought forward.	10,204 3 3	10,019 5 8	10,104 19 0	10,101 0 0	113,180 0 1
131	Kildare.	Kilmeegan.	The Kilmeegan School and General Endowment.	10 0 0	—	24 15 4	4 0 0	47 15 4
132		Presbytery of Drogheda.	The Endowments of and belonging to Congregations under the care of the Presbytery of Drogheda.	45 0 0	—	—	120 0 0	167 0 0
133		Presbytery of Derry.	The Endowments of and belonging to Congregations under the care of the Presbytery of Derry.	—	74 0 0	—	—	74 0 0
134	Galway.	Longford.	The Lyons Endowment.	100 0 0	100 0 0	—	—	200 0 0
135		Dioecesis of Tuam.	The Parochial Schools of the Dioecesis of Tuam.	80 0 0	—	14 0 1	104 0 0	194 0 1
136	Wexford.	Custumea.	The Stanford Endowment.	—	—	10 3 7	—	10 3 7
137		Presbytery of Cavan.	The Endowments of and belonging to Congregations under the care of the Presbytery of Cavan.	1190 0 0	—	—	13 0 0	1190 0 0
138	Armagh.	Armagh.	The Braidanagh Hall and Callanagh Schools, Armagh, and Private Endowments of Armagh Town. (Paid Supplemental Schemes.)	—	—	—	—	—
139		Presbytery of Cork.	The Endowments of and belonging to Congregations under the care of the Presbytery of Cork.	141 14 1	3 10 0	54 0 0	—	198 14 1
140	Londonderry.	Coleraine.	The Coleraine Academiical Institution (Supplemental Scheme).	—	—	—	—	—
141		Dioecesis of Ardara and Aghadea.	The Parochial Schools of the United Dioecesis of Ardara and Aghadea.	1180 0 0	—	—	—	1180 0 0
142		City and Dioecesis of Cork, Cavan and Ross.	The City of Cork, Parochial Schools and Cork, Cavan, and Ross, Parochial Schools (Supplemental Schemes).	—	—	—	—	—
143	Louth.	Dundalk.	The Vincentian Limerick's Endowment.	—	10 0 1	10 0 0	—	10 0 1
144	—	—	The Erasmus Smith Endowment.	—	7,300 10 0	607 0 0	—	7,907 10 0
145	Armagh.	Ballymore.	The Grande Endowment.	—	—	7 15 0	—	7 15 0
146	Londonderry.	Londonderry.	The Endowments of and belonging to the First Derry Presbyterian Church, in the City of Londonderry.	—	—	—	215 0 0	215 0 0
147		Dioecesis of Dublin, Glendalough and Kildare.	The Parochial Schools of the United Dioecesis of Dublin, Glendalough, and Kildare.	—	20 10 0	120 13 1	—	140 23 1
148	Kilkenny.	Kilkenny.	The Kilkenny Subscription School.	—	—	27 0 0	—	27 0 0
149	Dublin.	Drigda.	The Fountains Technical School.	180 0 0	—	—	—	180 0 0
150	Louth.	Drighda.	The Drighda High School.	—	10 0 0	22 10 0	124 0 0	156 10 0
151		Presbytery of Raphoe.	The Endowments of and belonging to Congregations under the care of the Presbytery of Raphoe.	80 0 0	—	—	18 7 0	98 7 0
152	Armagh.	Ballymore.	The Ballymore Parochial School.	—	—	10 17 4	—	10 17 4
153	Dublin.	Dublin.	The Dublin Protestant Endowment School.	—	—	—	—	—
154		Dioecesis of Cloyne.	The Malton Endowment.	20 0 0	1 10 0 0	—	00 0 0	21 10 0
155	Cork.	Northbrook.	The St. Leger Althorpe Endowment.	—	0 10 0	—	—	0 10 0
156	Armagh.	Dromed.	The Dromed School and Warren Endowment.	15 0 0	—	00 0 0	—	15 0 0
157		Presbytery of Louth.	The Endowments of and belonging to Congregations under the care of the Presbytery of Louth.	—	—	10 4 0	146 17 0	156 21 0
158	Dublin.	Dublin.	The Parochial Schools of the City of Dublin and environs; the Ralph Shaw's Endowment; the Griffin Endowment; and other Endowments in the City of Dublin.	—	241 10 0	1,400 10 1	—	2,642 10 1
			TOTAL.	11,020 7 3	20,019 14 8	20,417 0 4	20,400 0 0	51,857 17 4

* The School Fees do not come into the hands of the Governing Body, but are paid directly to the Teachers.

† Particulars given in Scheme, No. 14, supra.

‡ Particulars given in Scheme, No. 46, supra.

§ Schemes not yet complete.

|| Particulars given in Scheme, No. 25, supra.

¶ Estimated.

** Endowment £4,000 being expended in buildings.

TABLE III.—List of Persons and Public Bodies from whom Objections and Amendments to Draft Schemes have been received by the Commission during the past year.

N.B.—The more important Objections and Amendments are printed in Appendix B, *infra*, p. 175.

Draft Scheme No. 128. The Banks Endowment, Eyrecourt.

1. The Existing Trustees.
2. The United Diocesan Council of Clonfert and Kilmacduagh.

Draft Scheme No. 131. The Kilmacguis School and Perceval Endowment

1. Fifteen Parishioners of Kilmacguis Parish.
2. Rev. G. Garrett, M.A., Incumbent.
3. W. I. Wheeler, F.R.C.S.I., Trustee.

Draft Scheme No. 132. The Endowments of and belonging to Congregations under the care of the Presbytery of Down.

Objections to Scheme.

1. Rev. T. M. Hamill, Lurgan.

Objections and Amendments to Schedules.

1. Rev. J. McClelland, Downpough.
2. Rev. James Mitchell, Anahilt.

Draft Scheme No. 133. The Endowments of and belonging to Congregations under the care of the Presbytery of Derry.

Objections to Scheme.

1. The Presbytery of Derry.

Objections and Amendments to Schedules.

1. Rev. J. McBride, Barnfoot.
2. Rev. Wm. J. Lowe, Strand Road Church.

Draft Scheme No. 134. The Lyons Endowment, Loughrea.

1. Ven. H. V. Daly, Archbishop of Clonfert.
2. Rev. T. Fleming, Ballinskillick.

Draft Scheme No. 135. The Parochial Schools of the Diocese of Tuam.

1. Rev. S. Johnston, M.A., Newport.
2. The Trustees of the Achill Mission.

Draft Scheme No. 136. The Sandford Endowment, Castleca.

1. The Commissioners of Charitable Donations and Bequests.

Draft Scheme No. 137. The Endowments of and belonging to Congregations under the care of the Presbytery of Comber.

Objections to Scheme.

None.

Objections and Amendments to Schedules.

1. Rev. T. B. Graham, Comber.
2. Rev. J. Bingham, Dromahaire.

Draft Scheme No. 139. The Endowments of and belonging to the Presbytery of Cork.

Objections to Scheme.

None.

Objections and Amendments to Schedules.

1. } Rev. J. H. Murphy, Cork.
2. }
3. Mr. A. H. Banner, Monkstown, Cork.

Draft Scheme No. 140. The Coleraine Academical Institution (Supplemental Scheme).

1. The Governors.

Draft Scheme No. 141. The Parochial Schools of the United Diocese of Ardferd and Aghadoe.

Objections to Scheme.

1. Ardferd Diocesan Board of Education.
2. Rev. J. McCusker, Keshmarr.

Objections and Amendments to Schedules.

1. Ardferd Diocesan Board of Education.

Draft Scheme No. 142. The City of Cork Parochial Schools, and Cork, Cloyne, and Ross Parochial Schools (Supplemental Scheme).

1. The Commissioners of Charitable Donations and Bequests.

Draft Scheme No. 143. The Viscount Limerick's Endowment, Dundalk.

1. The Protestant Community of Dundalk.
2. Rev. F. Segrave, *s.p.*, Dundalk.
3. The Christian Brothers, Dundalk.

Draft Scheme No. 144. The Erasmus Smith Endowments.

Objections to the Scheme.

1. The Existing Governing Body.
2. The Governors of King's Hospital, Oxmantown.
3. The Standing Committee of the General Synod.
4. The Provost, Fellows and Scholars of Trinity College.
5. The Meath Diocesan Synod.
6. The Ardingh Diocesan Synod.
7. The Intermediate Education Committee of the General Assembly.
8. The Presbytery of Dublin.
9. The Methodist Conference.
10. The Rev. David Humphreys, *c.c.*, Tipperary.
11. Certain Inhabitants of Drogheda.
12. Certain Inhabitants of the Parish of CClon, County Louth.
13. Rev. Henry Varrier, Incumbent of Omagh, County Louth.
14. Christina Toombs and Margaret Toombs, Mistres and Mistres of Omagh English School.
15. Robert Perdon, Teacher of Andee English School.
16. James Taylor, Teacher of Whitehall English School, Rathfriland.
17. John Thompson, Senior Classical Master, High School, Harcourt Street.

Amendment to Schedule.

1. Rev. Canon Newland, Boncrane.

Draft Scheme No. 145. The Cramie Endowment, Ballymoney.

1. Rev. P. Farrelly, *v.c.*, Ballymoney.
2. Mr. D. Dempsey, Ballymoney.
3. Rev. R. Knowles, Ballymoney.

Draft Scheme No. 146. The Endowments of and belonging to the First Derry Presbyterian Church, in the City of Londonderry.

1. The Congregation of First Derry

Draft Scheme No. 147. The Parochial Schools of the United Diocese of Dublin, Glendalough, and Kildare.

Objections to the Scheme

1. Rev. R. Wyndham-Guinness, Balldrum.

Objections and Amendments to Schedules.

1. Rev. H. B. Hanson, Clonsilla.
2. Mr. R. H. P. Dunne, Brittas, Clonsilla.
3. The Representative Body of the Church of Ireland.
4. The Representative Body of the Church of Ireland.
5. Captain Riell, *s.p.*, Bray.
6. The Commissioners of Charitable Donations and Bequests.
7. Mr. Charles Tottenham, *s.p.*, Ashford.

TABLE IV.—Endowments with respect to which inquiries have been held, and the preparation of Schemes is under consideration.

In some of the cases on the following list Draft Schemes are in preparation; in others the expediency of publishing Schemes or the question of exemption is under consideration, or further inquiries are in progress.

A. The Endowments under the management of the Incorporated Society for promoting English Protestant Schools in Ireland.

B. Endowments classified according to Provinces and Counties, as follows:—

Province of Leinster—

City of Dublin—

Infant School, Trinity Place.
Queen's Institute.
Schools formerly in connection with the Unitarian Congregation, Strand Street.
School formerly known as "Essex Street School."
Lowton Apprenticeship Fund.

County of Dublin—

Rathmines Township Schools.
The Drummond Institution, Chapelizod.

County of Longford—

Clontarf School (West Endowment).

County of Louth—

Endowed School, Ardee.
Erasmus Smith's School, Dundalk.

Queen's County—

Portarlington Free School.

County of Wexford—

Ballynase School, New Ross (Belgar Endowment).
Dunormack School (Richards Endowment).
Erasmus Smith's School, Wexford.
Hill School, New Ross (Tottenham Endowment).
Whiteschurch Parochial School (Glascott Endowment).

County of Wicklow—

Crofton Endowed School, Ashford.
Erasmus Smith's School, Killegan.
Stratford Lodge Schools, Bakingham.
Diocesan School, Wicklow.
Free School, Wicklow.
Terence Orphan School (Waldron Endowment).

Province of Munster—

City of Cork—

Cork School of Science, Art and Music.

County of Cork—

Aghada National School.
Cove National Endowed Boys School.
Endowed School, Bandon.
Endowed School, Youghal.
Erasmus Smith's School, Bandon.
Ferry College.
Girls Industrial School, Bandon.
Rahan School, Mallow (Oster Endowment).

Province of Munster—continued.

County of Tipperary—

Charitable School, Clonmel.

County of Waterford—

Alcock's Apprenticeship Endowment, Waterford.
Endowed School, Lismore.
Essex School, Waterford (Masson Endowment).
Protestant Orphan School, Waterford.
School of Industry, Lady Lane, Waterford.

Province of Ulster—

County of Antrim—

Cushendun School.
English School, Ballymena (formerly Erasmus Smith's).
Glennasmole School.
Trinity Church Infant School, Belfast.
The Lisburn Schools (The White's, Coulter and Rowley Hall Endowments).

County of Down—

Ballydren National School, Killinisky.
Ballymacdonnell National School, Bangor.
Ballymacula (Crawfordshorn) National School, Bangor.
Ballynally National School, Bangor.
Carricknab National School, Tyrrells.
Carrowdree (Webb) National School.
Clanbrassill Endowment, Bangor.
No. 1 National School, Donaghadee.
Strigley National School, Killybegs.
Tulbrannagh National School, Innisherry.
Tullymore National School, Grey Abbey.

County of Londonderry—

Camus School, Castlereagh.
Foyle College, Londonderry.
Irish Society's Schools, Bedford Place, Coleraine.

County of Monaghan—

Carrickmacross Endowed School.

Province of Connaught—

County of Galway—

Ilbert School (Parsons' Charity).

County of Roscommon—

Academical Institution, Boyle.

County of Sligo—

Castlesmumma (Ardrally and Barmore), and Killybegs Schools (Valentine Endowment).
Ballymory National School, Carrig, Sligo.

TABLE V.—Endowments declared exempt from the compulsory jurisdiction of the Commission.

Province of Leinster—

City of Dublin—

- The Hospital and Free School of King Charles II., Oxmantown.
 Bethesda Female Orphan School, Upper Dorset Street.
 Christian Brothers Schools, Basin Lane.
 Girls Almshouses, Great Britain Street.
 Female Orphan House, North Circular Road.
 Pleasant's Asylum, Lower Camden Street.
 St. Brigid's Catholic Ragged Schools.
 St. Catherine's National Schools, Meath Street.
 St. James's National School, Basin Lane.
 St. Michael's National School, North Anne Street.
 SS. Michael and John's National Schools, Essex Street.
 St. Saviour's Orphanage, Denmark Street.
 St. Thomas' Orphanage, Gloucester Street.
 Singleton School, in connection with the Unitarian Church, St. Stephen's Green.
 Wesley College, St. Stephen's Green.

County of Dublin—

- Parochial Schools, Castleknock.
 Parochial School, Finglas.

County of Kilkenny—

- Chapel Lane School, Kilkenny.
 St. Kiarna's College, Kilkenny.

County of Leath—

- Christian Brothers Schools, Drogheda.
 Christian Brothers Schools, Dundalk.
 St. Mary's College, Dundalk.

County of Meath—

- St. Flahan's Seminary, Navan.

County of Westmeath—

- Belvedere Orphanage, Tyrrellspass.
 Westmeath Protestant Orphan Society.
 Wilson's Hospital, Mullingarham.

County of Wexford—

- St. Peter's College, Wexford.

Province of Munster—

County of Clare—

- Christian Brothers Schools, Ennis.
 Killaloe Diocesan College, Ennis.

City of Cork—

- Christian Brothers Schools, Cork.
 Presentation Brothers School, Cork.
 St. Finn Barr's Seminary, Cork.
 St. Vincent's Orphanage, Cork.

County of Cork—

- Carmelite Seminary, Kinsale.
 Christian Brothers Schools, Charleville.

Province of Munster—continued.

County of Cork—

- Christian Brothers Schools, Youghal.
 Convent National School, Youghal.
 St. Columba's College, Fermoy.
 St. Joseph's Convent School, Kinsale.

County of Kerry—

- The Jeffers Endowment, Tralee.

County of Limerick—

- Cathedral Grammar School, or Blue School, Limerick.
 Christian Brothers Schools, Limerick.
 Mount St. Vincent School, Limerick.
 Sacred Heart College, Limerick.

County of Tipperary—

- Christian Brothers Schools, Clonmel.
 Rockwell College, Cahir.

County of Waterford—

- Bishop Foy's Endowment, Waterford.
 Bishop Foy's Apprenticeship Fund, Waterford.
 Christian Brothers Schools, Waterford.
 Friends' School, Newtown, Waterford.
 St. John's College, Waterford.

Province of Ulster—

County of Antrim—

- Friends' Agricultural School, Brookfield.
 Friends' Provincial School, Lisburn.
 Monkswater Abbey School.
 St. Malachy's College, Belfast.

County of Armagh—

- Jackson's Schools, Forkhill.
 St. Patrick's College, Armagh.

County of Cavan—

- Christian Brothers Schools, Cavan.
 St. Patrick's College, Cavan.

County of Fermanagh—

- Vaughan Charter School, Tahril.

County of Londonderry—

- St. Columba's College, Londonderry.

County of Monaghan—

- St. Macartin's Seminary, Monaghan.

Province of Connaught—

County of Galway—

- Christian Brothers' Schools, Clarendonbridge.
 Lombard Street Schools, Galway.
 St. Ignatius College, Galway.
 St. Jarlath's College, Tuam.
 St. Joseph's Seminary, Nun's Island, Galway.

County of Sligo—

- College of the Immaculate Conception, Sligo.

TABLE VI.—Exempt Endowments, with respect to which applications for Consent Schemes have been received.

Note.—In many of these cases, Schemes have already been published.

The Church of Ireland Victoria Jubilee Fund. (Scheme No. 41).

The Presbyterian Orphan Society of Ireland. (Scheme No. 55).

The Orphan Society of the Association of Irish Non-Scholarship Presbyterians and other Free Christians. (Scheme No. 70).

The Sabbath School Society for Ireland in connection with the Presbyterian Church (Scheme No. 72).

The Parochial Scheme of "The Church of Ireland" in the following Dioceses:—

Armagh. (Scheme No. 86).

Meath. (Scheme No. 55).

Cloghan. (Scheme No. 94).

Derry. (Draft Scheme No. 102).

Raphoe. (Scheme No. 36).

Down and Connor and Downora. (Draft Scheme No. 89).

Kilmore. (Scheme No. 108).

Elphin. (Draft Scheme No. 130).

Armagh. (Scheme No. 93).

Teesm. (Draft Scheme No. 135).

Killalea and Alesney. (Draft Scheme No. 104).

Dublin, Glendalough, and Kildare. (Draft Scheme No. 147).

Cowry. (Draft Scheme No. 127).

Ferna. (Scheme No. 78).

Leighlin. (Scheme No. 77).

Killalea, East.

Clontarf and Kilmacduagh.

Limerick. (Draft Scheme No. 76).

Ardfert and Aghaheen. (Draft Scheme No. 141).

The Endowments belonging to the Congregations under the care of the following Presbyteries:—

Abaghill.

Ard. (Scheme No. 116).

Armagh.

Athlone.

Bathlicborough.

Ballybay. (Scheme No. 75).

Ballyvaughan. (Scheme No. 53).

Bonkridge. (Scheme No. 78).

Belfast.

Caerickillegun. (Scheme No. 67).

Cavan. (Draft Scheme No. 119).

Cloghan. (Scheme No. 126).

Coleraine.

Comber. (Draft Scheme No. 137).

Cottamagh. (Draft Scheme No. 115).

Cork. (Draft Scheme No. 139).

Derry. (Draft Scheme No. 123).

Donagall.

Down.

Downora. (Draft Scheme No. 121).

Dublin. (Scheme No. 64).

Glendormet.

Letterkenny. (Draft Scheme, No. 157).

Limerick.

Monaghan.

Newry. (Scheme No. 84).

Omagh.

Raphoe. (Draft Scheme No. 151).

Rathfriland.

Route. (Scheme No. 103).

Strabane.

Templepatrick.

Tyrone. (Draft Scheme No. 120).

Endowments classified according to Provinces and Counties, as follows:—

Province of Leinster:—

City of Dublin:—

St. Patrick's Cathedral Schools. (Scheme No. 9).

St. Peter's School and Mrs. Wray's School. (Scheme No. 31).

The Catholic University School of Medicine. (Scheme No. 124).

The Parochial Schools of the City of Dublin. (Draft Scheme No. 153).

The Oswald Quay Presbyterian Church Endowments. (Scheme No. 8).

The Dublin Protestant Reformatory Schools. (Draft Scheme No. 153).

County of Kildare:—

Ballynac Parochial School. (Scheme No. 87).

Hewston's School, Glane. (Scheme No. 57).

County of Kilkenny

Kilkenny Scholarship School. (Draft Scheme No. 148).

County of Louth:—

The Leigh Charity. (Draft Scheme No. 117).

County of Westmeath:—

Arthur Smith's Charity. (Scheme No. 81).

The Blinn Charity, Rosliffe Bridge. (Scheme No. 85).

Province of Munster:—

City of Cork:—

Brettridge's Charity. } (Scheme No. 47).

Greenacres Hospital. }

Cork Grammar School. }

Parochial Schools of the City of Cork. }

St. Stephen's Hospital. (Scheme No. 65).

County of Cork:—

Bishop Cusack's School, Clayton. (Scheme No. 66).

Baltimore Fishery School. (Scheme No. 38).

County of Limerick:—

Roxborough Road School, Limerick. (Draft Scheme No. 54).

Province of Ulster:—

County of Antrim:—

Larne Grammar School. (Draft Scheme No. 61).

Nicholson Endowment, Limerick. (Scheme No. 51).

City of Belfast:—

Hugh Henry Boyd's Endowment. (Scheme No. 66).

The Methodist College. (Scheme No. 16).

The Townsend Street Presbyterian Church Endowments, and the Henry Martyn Johnson Charity. (Scheme No. 112).

The Belfast Hospital for Sick Children.

County of Down:—

The Southwell Charity and the Parochial Schools, Downpatrick. (Scheme No. 74).

County of Londonderry:—

Mague Presbyterian College, Londonderry. (Scheme No. 23).

Finn Derry Presbyterian Church Endowments. (Draft Scheme No. 146).

The Coleraine Temperance Institute

Province of Connaught:—

County of Galway:—

The Madden Endowment, Loughrea. (Draft Scheme No. 164).

TABLE VII.—Public Sitzings of the Commission held during the past year.

DUBLIN.—*At the Office of the Commission, Monday, October 12, 1891.*

Scheme No. 121.—The General Orphan Home Endowments. (Objections).

DUBLIN.—*At the Office of the Commission, Tuesday, October 18, 1891.*

Scheme No. 114.—Lismore Endowed School. (Objections).
Kilmeague School and Perceval Endowment.

FORTARLINGTON, QUEEN'S COUNTY.—*At the Court House, Thursday, October 15, 1891.*

Fortarlington Endowed School.

CORK.—*At the Council Chambers, Municipal Buildings, Friday, October 16, 1891.*

Scheme No. 105.—Milton Endowed School. (Objections and Amendments).
Scheme No. 110.—The Crofton Endowments, Clondrohid. (Objections and Amendments).
The City of Cork Parochial Schools, and Cork, Clonane, and Ross Parochial Schools.
(Supplemental Scheme).
Scheme No. 52.—The Rochelle Seminary, Cork. } Application for Amalgamation.
Scheme No. 37.—The High School for Girls, Cork. }

WEXFORD.—*At the Court House, Monday, October 19, 1891.*

Scheme No. 100.—The Tale School, Wexford. (Objections and Amendments).
Scheme No. 106.—John Ivory's School, New Ross. (Objections and Amendments).
Scheme No. 113.—The Urith Paul Endowment. (Objections and Amendments).

DUBLIN.—*At the Office of the Commission, Wednesday, October 21, 1891.*

Scheme No. 128.—The Banks Endowment. (Objections).
Scheme No. 125.—The Charlton Charity. (Objections).

DUNDALK.—*At the Court House, Thursday, October 22, 1891.*

Dundalk Endowed School.—Further Inquiry.

CARRICKMAGEOGH, CO. MONAGHAN.—*At the Court House, Thursday, October 22, 1891.*

Carrickmagoagh Endowed School.

BELFAST.—*At the Court House, Friday, October 23, 1891.*

Scheme No. 99.—The Bangor Endowed School. (Objections).
Scheme No. 129.—The Hon. Michael Ward's Endowment.
Scheme No. 107.—The Killinagh Schools. (Objections).
Glenasmole School.
Trinity Infant School, Belfast.
Muckamore Abbey School.

BALLYCASTLE, CO. ANTRIM.—*At the Court House, Saturday, October 24, 1891.*

Scheme No. 103.—Endowments of and belonging to Congregations under the care of the
Route Presbytery. (Objections).
Schemes No. 89 and 103.—Bendocagh School. (Objections).
Scheme No. 122.—John Sharp's Endowment, Ballycastle. (Objections).
Ballycastle Parochial School.
Cushendun Schools.

BALLYMONEY, CO. ANTRIM.—*At the Court House, Tuesday, March 29, 1892.*

The Omeath Endowment, Ballymoney.

ABSTRACT
OF THE
MINUTES OF THE COMMISSIONERS.

ABSTRACT OF THE MINUTES OF THE COMMISSIONERS.

PART I.

SUMMARY OF MEETINGS AND ATTENDANCES.

(A.) TABLE showing MEETINGS held during the Year ending September 30, 1892.

MEETINGS HELD AT	Number of Meetings held.	Number of those Meetings which were Public Inquiries.	Number of Stated attendances.
The Full Commission,	192	11	18
The Judicial Commissioners,	45	—	5
The Assistant Commissioners,	44	—	—
Total,	281	11	23

(B.) TABLE showing the ATTENDANCES of the COMMISSIONERS during the Year ending September 30, 1892.

NAMES OF COMMISSIONERS.	Full Commission.		Judicial Commissioners.		Assistant Commissioners Meetings.	Total.
	Meetings.	Stated Attendances.	Meetings.	Stated Attendances.		
JUDICIAL COMMISSIONERS :						
Lord Justice FitzGibbon,	67	5	45	7	—	124
Mr. Justice O'Brien,	74	—	45	1	—	120
ASSISTANT COMMISSIONERS :						
Right Rev. Monsignor Molloy,	117	10	—	—	43	169
Dr. Traill,	59	2	—	—	40	141
* Professor Dougherty,	64	—	—	—	23	87
† Dr. Wilson,	9	1	—	—	5	15

* Resigned July, 1892.

† Appointed July 21, 1892.

PART II.

MINUTES OF THE FULL COMMISSION.

October 2, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Monsignor MOLLOY.

Letters read:—

Messrs. Ouelton, Atkinson, and Slean, Solicitors (Sept. 25), as to an Endowment belonging to Derryry School, Diocese of Armagh.

Rev. George Tottenham (Sept. 28), sending corrections for Schedule to Clogher Diocesan Scheme.

Rev. Edmund L. Eves (Sept. 29), as to the proposed Local Committee to manage the Ballyroon portion of the Preston Endowment.

Messrs. Stannell and Son, Solicitors (Sept. 29), as to a School in the Parish of Leney, Diocese of Meath.

Rev. William Johnston, D.D. (Sept. 30), stating that the Committee of the Brown Street Sunday and Daily Schools, Belfast, will be satisfied with the Scheme as it stands.

Letters also read:—

Rev. John F. Cole (Sept. 30), as to the inquiry at Portarlington.

Captain D. A. McNeill (Sept. 30), as to the Cushendun School.

Alexander McDonald (Oct. 1), as to the Glensarm Parochial School.

Replies, as drafted, ordered to be sent.

The Commissioners adjourned.

WILLIAM O'BRIEN,

October 27, 1891.

N. D. Murphy, Assistant Secretary.

October 7, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FRYGGER, Mr. Justice O'BRIEN, Monsignor MOLLOY.

Letters read:—

Venerable Archbishop Archdall (Oct. 2), sending copy of Resolutions passed by the Governing Bodies of the High School for Girls, Cork, and of the Rochelle Seminary, in regard to the amalgamation of these institutions.

Rev. George Tottenham, M.A. (Oct. 2), sends additions to the Schedule of the Clogher Diocesan Scheme.

Right Hon. Lord Ventry, D.L. (Oct. 3), as to the Dingle and Ventry Association for the promotion of Protestantism.

Letters also read:—

J. J. Murphy, Diocesan Secretary (Oct. 5), as to Clause 17 of the revised Scheme for the Schools of the Dioceses of Down and Connor and Downmore.

Rev. F. W. Ainsley (Oct. 5), asking if, at the Sitting in Cork, the Commissioners will bear parties opposed to the amalgamation of the Cork High School for Girls and the Rochelle Seminary.

Alexander McDonald (Oct. 6), asking for copy of Deed relating to Glensarm Parochial School.

Replies, as drafted, ordered to be sent.

The Secretary was directed to write, in terms as drafted, to the Venerable Archbishop O'Keefe, enclosing him copies of letter addressed by the Commissioners to the Right Hon. Lord Ventry and the Right Hon. R. R. Warren, as to the Dingle and Ventry Association for the promotion of Protestantism, and of the replies received thereto.

The Commissioners adjourned.

WILLIAM O'BRIEN,

October 27, 1891.

N. D. Murphy, Assistant Secretary.

October 9, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY,
Dr. TRAILL, Professor DOUGHERTY.

Letters read:—

Messrs. Crawford and Lockhart, Solicitors (Oct. 6), as to delay in returning the revised Scheme for the Hugh Henry Boyl's Endowment.
Thomas Treaghan, B.A. (Oct. 7), giving information as to the Carrickmacross Endowed School.
The Secretaries, Commissioners of National Education (Oct. 7), as to the Stratford Lodge Schools, Baltinglass.

Letters also read:—

Rev. L. Paul T. Ledoux (Oct. 16), as to certain documents lent by him to the Commissioners in reference to the Killinohy Schools.
Edmond Flynn (Oct. 7), asking whether the case of the Baha School, Mallow, will be considered at the Sitting in Cork.
Rev. John Usher (Oct. 8), as to the Stratford Lodge Schools, Baltinglass.
Rev. Samuel Duncan (Oct. 8), as to a Scheme for the Endowments of the Presbytery of Ballicoree.
Rev. R. McMorris (Oct. 8), as to the cost of audit, &c., under Schemes framed by the Commission.

Replies, as drafted, ordered to be sent.

In the case of the Stratford Lodge Schools, a letter, as drafted, was directed to be sent to the Commissioners of Charitable Donations and Bequests enclosing the Report (as approved) drawn up by the Assistant Secretary relative to this Endowment.

The place of holding the inquiry at Cork was altered from "The Court House" to "The Council Chamber, Municipal Buildings, Albert Quay."

The Commissioners adjourned.

WILLIAM O'BRIEN,
October 27, 1891.

N. D. Murphy, Assistant Secretary.

October 12, 1891.

PUBLIC SITTING.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY,
Dr. TRAILL, Professor DOUGHERTY.

Mr. Henry Bond, Shorthand Writer, was in attendance.

No. 121.—THE GENERAL ORPHAN HOME ENDOWMENTS.

(To consider Objections.)

Lord Justice FitzGibbon made an introductory statement.

The Protestant Orphan Society was represented by:—

Rev. Henry G. Carroll, M.A., Honorary Secretary.
Rev. John C. Irwin,
Charles G. Jeppa, Secretary.
John H. Nunn, Solicitor.

The Protestant Orphan Refuge Society was represented by:—

Rev. Robert Walsh, B.A., Honorary Secretary.
Thomas Spence, Secretary.

The Presbytery of Dublin was represented by:—

Rev. J. M. Hamilton, M.A.

Wm. Gerson, B.L., Secretary to the Commissioners of Charitable Donations and Bequests, was present.

The following persons made statements:—

Rev. Robert Walsh, B.A.
John H. Nunn, M.A., Solicitor.
Rev. J. M. Hamilton, M.A.

MEETING.

Letters read :—

The Secretary, Representative Church Body, as to a Supplemental Scheme for the Parochial Schools of the Diocese of Cork, Cloyne, and Ross.
George P. Shaw, LL.D. (Oct. 10), sending names of Erasmus Smith Exhibitioners at Trinity College.

The Commissioners adjourned.

WILLIAM O'BRIEN.

October 27, 1891.

N. D. Murphy, Assistant Secretary.

October 13, 1891.

PUBLIC SITTING.

Meeting of the Commission held this day at the Office, 13, Nassau Street, Dublin.

Present :—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Monsignor MOLLOY,
Dr. TRAILL, Professor DOUGHERTY.

Mr. Henry Bond, Shorthand Writer, was in attendance.

No. 114.—JANNAH ENDOWED SCHOOL.

(To consider Objections.)

The following persons were present and made statements :—

Nathaniel Hene Dyan, J.P., } Existing Trustees.
Rev. George Peyton, M.A., }
Joseph Galloway, Solicitor.

KILMEAGUE NATIONAL SCHOOL.

(Preliminary Inquiry.)

The following were present :—

W. I. Wheeler, M.D., } Existing Trustees.
Rev. G. Garrett, M.A., }
Thomas Satolife, }
William Fry, Junior, Solicitor, representing Rev. George Garrett.
Charles Stansell, Solicitor, representing certain Parishioners of Kilmeague.

The following persons made statements :—

W. I. Wheeler, M.D.
William Fry, Junior.
Charles Stansell.

The following persons were sworn and examined :—

Rev. George Garrett.
William Thornton.
William Pepper.

Mr. Hemmingway was examined.

The Commissioners adjourned.

WILLIAM O'BRIEN,

October 27, 1891.

N. D. Murphy, Assistant Secretary.

October 15, 1891.

PUBLIC SITTING.

Meeting of the Commission held this day at the Courthouse, Portarlington.

Present :—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Monsignor MOLLOY,
Dr. TRAILL, Professor DOUGHERTY.

Mr. Henry Bond, Shorthand Writer, was in attendance.

PORTARLINGTON ENDOWED SCHOOL.

Lord Justice FitzGibbon made an introductory statement.

Rev. J. F. Cole, Rector of Portarlington, was sworn and examined.

The Commissioners adjourned.

Previous to the Public Sitting the Commissioners visited the Endowed School.

WILLIAM O'BRIEN,

October 30, 1891.

N. D. Murphy, Assistant Secretary.

October 16, 1891.

PUBLIC SITTING.

Meeting of the Commission held this day at the Council Chamber, Municipal Buildings, Cork.

Present :—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY,
Dr. TRAILL, Professor DOUGHERTY.

Mr. E. Tuohy, the Shorthand Writer, was in attendance.

Lord Justice FitzGibbon made an introductory statement.

MIDLETON ENDOWED SCHOOL.

(Objections and Amendments.)

The following made statements and were examined, having been sworn on a previous occasion :—

Mr. A. A. Bord, Head Master.

Rev. Thomas Moore, M.A., Rector of Middleton.

The Right Rev. the Lord Bishop of Cork, Cloyne, and Ross made a statement, and was examined.

THE CROFTON ENDOWMENT, CLODROCHID.

(Objections and Amendments.)

R. A. Powell, Esq., B.L. (instructed by J. J. Foley, Solicitor), appeared for the Rev. M. Ahern, R.P., Clondrochid.

The following made statements :—

R. A. Powell.

Rev. M. Ahern.

W. V. Gregg.

St. G. Garde Browne, J.P.

Rev. W. V. Miller, M.A.

H. B. Minihaw, J.P.

The Lord Bishop of Cork, Cloyne, and Ross.

THE PAROCHIAL SCHOOLS OF THE DIOCESE OF CORK, CLOYNE, AND ROSS.

(Supplemental Scheme.)

The following made statements :—

Rev. Canon Goodman.

The Lord Bishop.

Rev. John Jones.

THE PAROCHIAL SCHOOLS OF THE CITY OF CORK.

(Supplemental Scheme.)

The following made statements :—

Rev. J. H. Thorpe.

Rev. A. T. Nicholson, M.A.

THE HIGH SCHOOL FOR GIRLS, CORK.

THE ROCKELLE SEMINARY.

(Application for Amalgamation.)

H. B. Julian, Solicitor, appeared for the Select Vestry of the Episcopal Free Church.

The following made statements :—

F. P. E. Potter.

The Lord Bishop.

Vas. The Archdeacon of Cork.

W. V. Gregg.

H. B. Julian.

Miss H. A. Martin, who was also examined.

Rev. F. H. Ainley.

Mr. Moyrhan.

Miss King, Head Mistress, Rockelle Seminary, was examined.

The Commissioners adjourned.

WILLIAM O'BRIEN,

October 30, 1891.

N. D. Murphy, Assistant Secretary.

October 19, 1891.

PUBLIC SITTING.

Meeting of the Commission held this day at the Courthouse, Wexford.

Present:—Lord Justice FITSGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY,
Dr. TRAILL, Professor DOUGHERTY.

Mr. Dunlop, the Shorthand Writer, was in attendance.

THE TATE SCHOOL, WEXFORD.

(Objections and Amendments.)

Lord Justice FitzGibbon made an introductory statement.

Molyneux Barton, Esq., B.L. (instructed by C. Taylor, Solicitor), appeared for the Corporation of Wexford.

John Wakely, Esq., B.L. (instructed by R. W. Elgee), appeared for the existing Trustees of the School.

The following made statements:—

Molyneux Barton.
John Wakely.
Rev. J. R. Latham.
Mr. John Rowe.
Charles Taylor.

Mr. R. P. Caldwell, Head Master, was examined.

JOHN IVORY'S SCHOOL, NEW ROSS.

(Objections and Amendments.)

Lord Justice FitzGibbon made an introductory statement.

Col. C. G. Tottenham made a statement and was examined.

THE URBIN PAUL ENDOWMENT.

Lord Justice FitzGibbon made an introductory statement.

T. T. L. Overend appeared on behalf of Jos. W. Deane, Esq., and J. E. Deane-Drake, Esq.

The following made statements:—

T. T. L. Overend.
Jos. W. Deane.
J. E. Deane-Drake.
J. C. Foulden.

The Commissioners adjourned.

WILLIAM O'BRIEN.

October 30, 1891.

N. D. Murphy, Assistant Secretary.

October 21, 1891.

PUBLIC SITTING.

Meeting of the Commission held this day at the Office, 28, Nassau Street, Dublin.

Present:—Lord Justice FITSGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY,
Dr. TRAILL, Professor DOUGHERTY.

Mr. F. H. Wayland, Shorthand Writer, was in attendance.

No. 128.—THE BANKS ENDOWMENT.

(To consider Objections.)

Lord Justice FitzGibbon made a statement.

The following persons were present and made statements:—

Ven. Archbishop Daly, M.A., representing the Diocesan Council of Clonfert and Kilmacduagh,
and the Bishop.
Rev. John A. Ford, } Existing Trustees.
Gregory Eyre, }
Rev. Thomas Madden, &c.

Mr. J. M. Dowell, Secretary to the Commissioners of Education, was also present.

No. 125.—THE CHARLTON CHARITY.

(To consider Objections.)

Lord Justice FitzGibbon made a statement.

The following persons were present and made statements:—

The Most Rev. Dr. Nulty, Bishop of Meath.

Rev. James B. Keene, M.A., representing the Diocesan Council of Meath, and the Bishop.

Ven. Archbishop Nugent, M.A.

Ven. Archbishop Pottinger, M.A.

Rev. John Healy, LL.D.

Rev. M. Woods, Administrator, Navan.

Laurence Rowan, } Representing Navan Board of Guardians.

Francis Sheridan, }

Nugent T. Eversard, M.A.

A. H. Hamilton (Dunaboughlin Union).

P. M. Laffan.

The Commissioners adjourned.

WILLIAM O'BRIEN,

October 27, 1891.

N. D. Murphy, Assistant Secretary.

October 22, 1891.

PUBLIC SITTING.

Meeting of the Commission held this day at the Courthouse, Dundalk.

Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY,
Dr. TRAILL, Professor DOUGHERTY.

Mr. F. H. Wayland, the Shorthand Writer, was in attendance.

DUNDALK ENDOWED SCHOOL.

(Further Inquiry).

Lord Justice FitzGibbon made an introductory statement.

Charles E. R. Strangé was sworn and examined.

George W. Johnston, Head Master, Dundalk Endowed School, and

T. A. Finch, Head Master, Incorporated Society's School, Dundalk, were examined, having
been sworn on a previous occasion.

The Commissioners adjourned.

WILLIAM O'BRIEN,

October 30, 1891.

N. D. Murphy, Assistant Secretary.

October 23, 1891.

PUBLIC SITTING.

Meeting of the Commission held this day at the Courthouse, Carrickmacross.

Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY,
Dr. TRAILL, Professor DOUGHERTY.

Mr. F. H. Wayland, the Shorthand Writer, was in attendance.

CARRICKMACROSS ENDOWED SCHOOL.

Lord Justice FitzGibbon made an introductory statement.

The Right Rev. Dr. Stack, Lord Bishop of Clogher, and the Rev. B. Moffett, M.A.
were examined.Mr. J. T. Maguire, Solicitor, appeared for the Very Rev. Dean Bermingham, and made a
statement.

Mr. J. Blackader appeared for Mr. Troughton, Head Master.

Thomas Troughton, M.A., Head Master, was sworn and examined.

The following also made statements:—

Very Rev. Dean Bermingham.

Mr. Phelan.

The Commissioners adjourned.

Previous to the Public Sitting, Dr. Traill and Professor Dougherty visited the
Endowed School.

WILLIAM O'BRIEN,

October 30, 1891.

N. D. Murphy, Assistant Secretary.

October 23, 1891.

PUBLIC SITTING.

Meeting of the Commission held this day at the Courthouse, Belfast.

Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLTOT,
Dr. TRAILL, Professor DOUGHERTY.

Mr. M'Bride, the Shoethand Writer, was in attendance.

Lord Justice FitzGibbon made an introductory statement.

THE BANGOR ENDOWED SCHOOL.

(Objections and Amendments.)

Mr. E. S. Jones, Solicitor, appeared on behalf of Viscount Bangor and Captain Somerset Ward.

The following made statements:—

Mr. Jones.
Rev. W. Todd Martin.
James Bowman.
James H. Rainey, Head Master.

THE HON. MICHAEL WARD'S ENDOWMENT.

Mr. E. S. Jones, Solicitor, appeared on behalf of Lord Bangor and Captain Somerset Ward to approve of the Scheme.

THE KILLINCHY SCHOOLS.

(Objections and Amendments.)

Lord Justice FitzGibbon made an introductory statement.

J. Walker Craig, q.c. (instructed by Mr. Wylie, Solicitor), appeared on behalf of the Rev. D. B. Moore.

The following made statements:—

Rev. J. G. Burton, Rector of Killinchy.
J. Walker Craig, q.c.
Rev. A. Wilson.
Rev. W. Todd Martin, D.Lit.
James Gamley.
Rev. A. M'Creevy.

Mr. Ritchie, the Master, and Mrs. Kirkpatrick, the Mistress, made statements and were examined.

GLENARN SCHOOL.

The Rev. S. F. Dudley-James and Alexander McDonald made statements.

TRINITY INFANT SCHOOL, BELFAST.

The following made statements:—

Very Rev. Theophilus Campbell, Dean of Down.
Rev. E. L. Clarke, R.A.
Rev. John Beistow, M.A.

MUCKAMORE ABBEY SCHOOL.

Rev. T. W. Harper, M.A., made a statement.

The Commissioners adjourned.

WILLIAM O'BRIEN,
October 30, 1891.

N. D. Murphy, Assistant Secretary.

October 24, 1891.

PUBLIC SITTING.

Meeting of the Commission held this day at the Courthouse, Ballycastle.

Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY
Dr. TRAILL, Professor DOUGHERTY.

Mr. M'Bride, the Shorthand Writer, was in attendance.

Lord Justice FitzGibbon made an introductory statement

THE ENDOWMENTS OF THE ROUTE PRESBYTERY.

R. A. Martin, Solicitor, appeared for Rev. A. Dill, and made a statement.

Rev. A. Dill also made a statement.

BENDOGRAH SCHOOL.

R. A. Martin appeared for the Presbytery of Route, and made a statement.

Rev. H. S. O'Hara also made a statement.

JOHN SHARP'S ENDOWMENT, BALLYCASTLE.

R. A. Martin, Solicitor, appeared for the Rev. J. Jackson.

Hunt W. Leech, Solicitor, appeared for the Rev. Thomas Cox.

The following made statements:—

R. A. Martin.
Hunt W. Leech.
Rev. Thomas Cox.
Rev. J. Jackson.
Edmund M'Neale.

The following were sworn and examined:—

Alexander M'Lenn.
Rev. Alexander Field, D.D.

BALLINTOY SCHOOL.

Lord Justice FitzGibbon made an introductory statement.

T. M'Curdy Greer, Solicitor, appeared for the Rev. Mr. Matchette.

R. A. Martin, Solicitor, appeared for Mr. J. Dixon.

T. M'Curdy Greer made a statement.

The following were sworn and examined:—

Rev. W. Matchette, D.D.
Edmund M'Neale.
Mr. John Dixon.
Mr. John Dixon, junior.
Mr. M'Conaghy.

Rev. D. B. Mulcahy and Rev. John Conway also made statements.

CUSHENDUN SCHOOLS.

Rev. S. Brennan sworn and examined.

Mr. D. M'Neale made a statement.

The Commissioners adjourned.

Previous to the sitting the Commissioners visited the old Ramoon School.

WILLIAM O'BRIEN,

October 30, 1891.

N. D. Murphy, Assistant Secretary.

October 27, 1891.

Meeting of the Commission held this day at the Office, 25, Nassau Street, Dublin.

Present :—Mr. Justice O'BRIEN, Monsignor MOLLOY.

Minutes of preceding meetings of September 22, 23, 24, 25, 26, and 27, and of October 2, 7, 9, 12, 13, and 21, were read and confirmed.

Letters read :

Messrs. Crawford and Lockhart, Solicitors (Oct. 14), returning the revised Scheme for the Hugh Henry Boyd's Endowment.

Viscount de Vesel (Oct. 17), as to the proposed Local Committee to manage the Ballyroan portion of the Preston Endowment.

Rev. R. J. Clarke (Oct. 24), as to the Endowment of Trinity Church Infant School, Belfast.

Letters also read :—

Rev. George Thompson (Oct. 25), as to the cost of audit, &c., under the Schemes framed by the Commission.

Messrs. Armstrong and Mahon (Oct. 19), as to Ilerton School (Parson Parnes's Charity).

Replies, as drafted, ordered to be sent.

Letter (Oct. 22), read from Messrs. Maxwell, Weldon, and Co., Solicitors, as to the claim of Mrs. Eagar, late Matron of the General Orphan Home, against the Endowments of that Institution.

Ordered :—

That this letter be referred to the Judicial Commissioners.

The following communications were submitted from Dublin Castle, and directions were given :—

A. H. Wallace (Oct. 14), as to the provision for Inspection inserted in Schemes framed by the Commissioners.

Ordered :—

That a list of the Schemes be prepared.

W. B. Neville (Oct. 23), enclosing objections lodged with the Privy Council against the following Schemes, and asking for the observations of the Commissioners thereon :—

No. 77.—Leighlin Parochial Schools.

No. 82.—Donaghadee Free Schools.

No. 83.—Armagh Parochial Schools.

Ordered :—

That observations be drafted before the next meeting.

A letter, as drafted, subject to Lord Justice FitzGibbon's approval, was ordered to be sent to Rev. S. C. Mitchell, on the question of a Supplemental Scheme for the Ulster Royal School Endowments.

The Commissioners adjourned.

WILLIAM O'BRIEN,
October 30, 1891.

N. D. Murphy, Assistant Secretary.

October 30, 1891.

Meeting of the Commission held this day at the Office, 25, Nassau Street, Dublin.

Present :—Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL.

Minutes of the meetings of October 15, 16, 19, 22, 23, and 24, and of the preceding meeting, were read and confirmed.

Letters read :—

J. E. Dams-Drake (Oct. 25), sending statement as to the Uriah Peel Endowment.

Joseph J. Murphy, Diocesan Secretary (Oct. 23), as to the revised Scheme for the Schools of the Diocese of Down and Connor and Downmore.

Letter (Oct. 28), read from John Miller, as to the Scheme for the Killybegh Schools, County Down.

A reply, as drafted, ordered to be sent.

Letter (Oct. 19), read from Rev. S. C. Mitchell, Honorary Secretary, Fermanagh Protestant Board of Education, asking if the Commissioners will receive a deputation from that Board in reference to a Supplemental Scheme for the Ulster Royal School Endowments.

Reply, as drafted, ordered to be sent, subject to Lord Justice FitzGibbon's approval.

The Commissioners adjourned.

WILLIAM O'BRIEN,
November 6, 1891.

N. D. Murphy, Assistant Secretary.

October 31, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBSON, Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL.

The Secretary was directed to write in terms, as drafted, embodying the replies ordered to be sent to the Rev. S. C. Mitchel, Honorary Secretary, Fermanagh Protestant Board of Education, with reference to a Supplemental Scheme dealing with the Ulster Royal School Endowments.

The Secretary was also directed to write, in terms as drafted, to the Secretaries, Commissioners of National Education, in reference to the following Schools:—

Kilmeag National School, County Kildare.

Ballynary National School, County Antrim.

The Schemes in the following list were ordered to be prepared for publication:—

The Erasmus Smith Endowments.

City of Dublin Parochial Schools, &c.

Dublin, Kildare, and Glendalough Diocesan Scheme.

Rockfield Institution.

Kilmeag National School.

Portlinton Free School.

Dundalk Grammar School.

Carrickmacross School.

Cork City Parochial Schools, and

Cork, Clonae, and Ross Diocesan Scheme } (Supplemental).

The Commissioners adjourned.

WILLIAM O'BRIEN,

November 6, 1891.

N. D. Murphy, Assistant Secretary.

November 4, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBSON, Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL.

Letters read:—

Joseph W. Deane (Nov. 2), }
T. T. L. Overend (Nov. 2), } As to the present funds of the Urith Paul Endowment.

Letters also read:—

Rev. G. A. Nicholls (Oct. 31), asking for a grant for a School in the Parish of Kilmeag and Rahar, Diocese of Meath.

The Secretary, Board of Works (Nov. 3), asking whether the Offices of the Commission will be required after 31st March next.

Replies, as drafted, ordered to be sent.

The following communications were submitted from Dublin Castle, and directions were given:—

Sir William Kaye (Nov. 3), as to the letter from the Lords Commissioners of Her Majesty's Treasury, dated 18th February, 1891, and as to the Estimates for Temporary Commissions for 1892-3.

A reply was drafted, to be brought up on Friday next.

Sir William Kaye, (Nov. 3), enclosing objections lodged with the Privy Council against the following Schemes, and asking for the observations of the Commissioners thereon:—

No. 85.—The Carysfort Royal School Endowment.

No. 93.—The Ardsagh Parochial Schools.

Ordered:—

That observations be drafted in the case of the Carysfort Scheme, and that a letter as drafted be sent to the Rev. C. Beavan, the objector in the case of the Ardsagh Scheme.

In reference to the Scheme for the Parochial Schools of the Dioceses of Down and Connor and Drumore a letter, as drafted, was ordered to be sent to Mr. J. J. Murphy, Diocesan Secretary, and a circular, as drawn up, to be sent to the Owners or Trustees of property included in the Schedule to the Scheme was approved.

The Commissioners adjourned.

WILLIAM O'BRIEN,

November 6, 1891.

N. D. Murphy, Assistant Secretary.

November 6, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Mr. JUSTICE O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of three preceding meetings read and confirmed.

Letters read :—

Rev. W. Field, D.D. (Nov. 5), as to including the Dervock Presbyterian Church Endowments in the Euseo Presbytery Scheme.

Rev. John Johnson (Nov. 5), as to the information required in order to include the Endowments of his Congregation in the Glendernat Presbytery Scheme.

Rev. Stewart Dickson (Nov. 5), as to certain clauses in the proposed Scheme for the Presbytery of Down.

Joseph Gorham (Nov. 4), as to debts due him in connection with the Rockfield Institution.

Replies, as drafted, ordered to be sent.

Returns were submitted from the following clergymen as to the number and religious denominations of the children attending the Killinohy Schools, County Down :—

Rev. Alexander Wilson (Nov. 3).

Rev. Joseph G. Burton (Nov. 3).

Rev. David R. Moore (Nov. 3).

The reply, as drafted, in answer to the letter dated November 3, as to the Estimates for 1892-3, was further considered and amended, and was directed to be sent to Lord Justice FitzGibbon for his approval.

The Commissioners adjourned.

ANTHONY TRAILL,

November 11, 1891.

N. D. Murphy, Assistant Secretary.

November 7, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

The reply, as drafted, in answer to the letter dated November 3, as to the Estimates for 1892-3, was further considered, amended, and passed, and ordered to be sent.

Letters read :—

J. J. Murphy (Nov. 5), as to the Resolution passed by the last Down and Connor and Dromore Diocesan Synod in reference to the Scheme for the Parochial Schools of the Diocese.

Rev. S. Smythe (Nov. 6), as to a Scheme for the Endowments of the Glendernat Presbytery.

Rev. John E. McBride (Nov. 6), as to the cost of Audit under the Schemes framed by the Commission.

Replies, as drafted, ordered to be sent.

The Draft Report for the year 1890-91 was considered and amended, and ordered to be brought up for final consideration on Friday next.

The Commissioners adjourned.

ANTHONY TRAILL,

November 11, 1891.

N. D. Murphy, Assistant Secretary.

November 11, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL.

Minutes of two preceding meetings read and confirmed.

Letters read :—

The Most Rev. Dr. McAlister, Bishop of Down (Nov. 7), drawing attention to two Schools in the Parish of Cullightrin, County Antrim, namely :—Ballyvey and Drumma-hammond Schools.

Rev. C. Browne (Nov. 10), enclosing Leases of Schools in the Parish of Clonsilla in support of his objection to the Ardlagh Diocesan Scheme.

Replies, as drafted, ordered to be sent.

The Secretary was directed to write, in terms as drafted, to the Rector of Cullightrin Parish, asking for information as to Ballyvey School, Ballycastle.

The Commissioners adjourned.

GERALD FITZGIBBON,

November 18, 1891.

N. D. Murphy, Assistant Secretary.

November 18, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read :—

Rev. C. Browne (Nov. 11), enclosing copy of a Resolution passed at a meeting of the Protestants of Clonsilla Parish, as to the Scheme for the Charlton Charity.

Rev. W. Hanlon (Nov. 12), as to when the Scheme for the Incorporated Society will be published.

Replies, as drafted, ordered to be sent.

The Report for the year ending September 30, 1891, was further considered, amended, and signed.

The Commissioners adjourned.

GERALD MOLLOY,

November 14, 1891.

N. D. Murphy, Assistant Secretary.

November 14, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBBON, Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The consideration of the Draft Scheme for the Erasmus Smith Endowments was postponed to Saturday, November 28. A letter, in terms as drafted, was directed to be sent to the Registrar, Erasmus Smith's Board, pursuant to Minute of November 16, 1889, with respect to the Minute Books of that Board.

Lord Justice FitzGibbon confidentially consulted the Commissioners as to a Report by the Chief of Inspection and the Head Inspectors of the National Education Board on the subject of inspection under Schemes framed by the Educational Endowments Commission.

The Assistant Secretary reported the result of his interview with Mr. Sheridan, Secretary, National Education Board, in reference to Kilsmeague School, and a letter as drafted was ordered to be sent to Mr. Sheridan on the subject.

The Circular to Owners and Managers of Endowments or School premises dealt with in the Schedule to the Scheme for the Parochial Schools of the Diocese of Down and Connor and Downmore was finally settled and directed to be sent.

The Commissioners adjourned.

ANTHONY TRAILL,

November 18, 1891.

N. D. Murphy, Assistant Secretary.

November 18, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letter [Nov. 17] read from Rev. C. Browne, as to his objection to the Ardagh Diocesan Scheme, now before the Privy Council.

A reply, as drafted, ordered to be sent.

Letter [Nov. 17] read from the Secretary, Commissioners of Education, as to Messrs. Thom & Co.'s charge for supplying copies of the Ulster Royal School Scheme.

Ordered :—

That this letter be held over for consideration at a full meeting of the Commissioners.

Dr. Traill undertook to prepare observations on the objection lodged to the Ardagh Diocesan Scheme, now before the Privy Council.

The Commissioners adjourned.

GERALD MOLLOY

November 25, 1891.

N. D. Murphy, Assistant Secretary.

November 20, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FRATERSON, Monsignor MOLLOY.

Letters read :—

Rev. Thomas Jordan, D.D. [Nov. 18], as to the Scheme for Rainey's School, Magherfeld.

Rev. John Jackson [Nov. 17], as to the Scheme for the Endowments of the Berte Presbytery.

Very Rev. The Dean of Dromore [Nov. 19], asking that John-street National School, Lurgan, be included in the Down and Connor and Dromore Diocesan Scheme.

Rev. Samuel A. Bevan [Nov. 17], as to the evidence given at Belfast, re Cashenden School.

Rev. H. R. Taylor [Nov. 17], as to Ballyvoy School, county Antrim.

Replies, as drafted, ordered to be sent.

Letter [Nov. 19] read from Rev. Thomas H. Fleming, as to the sale of lands comprised in Endowments of the Rockfield Institution.

The consideration of this letter reserved for meeting of the full Commission.

The Commissioners adjourned.

GERALD MOLLOY,

November 25, 1891.

N. D. Murphy, Assistant Secretary.

November 25, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL.

Minutes of two preceding meetings read and confirmed.

Letter [Nov. 19], read from the Secretary, Representative Church Body, sending "consent" as to Schools in the Diocese of Derry.

Letters also read :—

Rev. W. Moore Morgan, M.D. (Nov. 21), as to objections to Armagh Diocesan Scheme, now before the Privy Council.

John Donnelly (Nov. 21), addressed to Privy Council, as to a Scheme for Ballistoy School.

J. Carmichael Ferrell (Nov. 20), addressed to Privy Council Office, sending corrections for Schedule to Clogher Diocesan Scheme.

Replies, as drafted, ordered to be sent.

The letter [Nov. 17], from the Secretary, Commissioners of Education, as to the price charged for copies of the Ulster Royal Schools Scheme, was considered, and a letter, as drafted, was ordered to be sent to Messrs. Alex. Thom & Co. (Limited).

In reference to Ballyvoy School, Ballycastle, a letter, as drafted, was directed to be sent to the Most Rev. Dr. McAlister, Lord Bishop of Down, enclosing His Lordship a copy of the Rev. Mr. Taylor's letter, dated November 17.

Dr. Traill brought up an application from the Rev. George B. Sayers, for copies of the clause of the Down and Connor and Dromore Diocesan Scheme, which had been agreed to, as amended by the Diocesan authorities, to facilitate the obtaining of "consents."

Ordered:—

That copies of the clause be printed in a separate slip for the convenience of the Rev. Dr. Sayers.

The observations of the Commissioners on the objections lodged with the Clerk of the Privy Council against Schemes, Nos. 82, 85, 88, and 93, were considered, amended, and finally approved, and the Assistant Secretary was directed to return the original objections to the Clerk of the Privy Council, together with printed copies of the observations of the Commissioners, and also to send copies of the printed objections and observations to the parties interested in each case.

The Commissioners adjourned.

WILLIAM O'BRIEN,

November 27, 1891.

N. D. Murphy, Assistant Secretary.

November 27, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read:—

Messrs. F. and K. Reid, Solicitors [Nov. 25], sending particulars of Endowments belonging to the First Derry Presbyterian Congregation, and asking that a Scheme be prepared.

Rev. W. L. Berkeley [Nov. 25], as to the proposed Scheme for the Endowments of the Belfast Presbytery.

Rev. Thomas M. Hamill [Nov. 25], asking that a Scheme be prepared for Corcoran National School, Co. Armagh.

Rev. W. Moore Morgan, LL.D. [Nov. 26], as to the Armagh Diocesan Scheme, now before the Privy Council.

Replies, as drafted, ordered to be sent.

Professor Dougherty submitted correspondence relating to the Cramie Bequest.

Ordered:—

That the Assistant Secretary obtain from the Commissioners of Charitable Donations and Bequests all particulars of the case.

The Commissioners adjourned.

ANTHONY TRAILL,

December 2, 1891.

N. D. Murphy, Assistant Secretary.

November 28, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Letters read:

Robert Macdonald [Nov. 28], withdrawing objection of the Standing Committee of the Diocesan Synod of Leighlin to the Leighlin Parochial Schools Scheme, now before the Privy Council.

J. Carmichael Ferrell [Nov. 27], as to Clogher Diocesan Scheme.

Communication read from the Clerk of the Privy Council, enclosing letter from Rev. George Tottenham, M.A., as to the Clogher Diocesan Scheme.

A reply, as drafted, ordered to be sent, and also a letter, in terms as drafted, to the Rev. George Tottenham.

The Draft Scheme for the Erasmus Smith Endowments was discussed and amended.

The Commissioners adjourned.

ANTHONY TRAILL,

December 2, 1891.

N. D. Murphy, Assistant Secretary.

December 2, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau-street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL.

Minutes of two preceding meetings read and confirmed.

Letters read:—

Ven. The Archbishop of Aradagh [Nov. 30], as to the Scheme for the Clerical Charity.
 Rev. B. Moffat [Dec. 1], sending suggestions for the proposed Scheme for Carrick
 mannan Endowed School.

Letter (Nov. 28) read from Messrs. Alexander Thom and Co. (Limited), as to the price
 charged for copies of the Ulster Royal School Scheme, supplied to the Commissioners of
 Education.

Reply, as drafted, ordered to be sent.

The following letters, addressed to Dr. Trill, were submitted and ordered to be placed
 on their proper files.

Rev. John Clarke [Nov. 18], as to Dungannon School-house.
 Rev. D. O'Sullivan [Nov. 30], as to portion of the Crofton Endowment, Glendrohid,
 in his hands.

The Commissioners adjourned.

GERALD MOLLOY,

December 4, 1891.

N. D. Murphy, Assistant Secretary.

December 4, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letters read:—

Rev. John H. Thorpe (Dec. 2), asking for teachings of Maps attached to Deeds relating to
 property belonging to St. Nicholas Parish, Cork.
 Rev. S. Calhbert Mitchel (Dec. 3), sending amendment for Schedule to Clagher Presbytery
 Scheme.

Replies, as drafted, ordered to be sent.

The Assistant Secretary brought up a statement as to the progress of the printing
 of the Report, and a copy of the Report proper was directed to be sent to each of the
 Commissioners.

The Commissioners adjourned.

ANTHONY TRAILL,

December 5, 1891.

N. D. Murphy, Assistant Secretary.

December 5, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Directions were given as to preparing for publication any Diocesan or Presbytery
 Schemes for which the materials have been received.

The Draft Scheme for the Parochial Schools of the Diocese of Dublin, Glendalough,
 and Kildare was ordered to be advanced, with a view to early publication.

The Assistant Secretary was directed to write to the Ven. the Archbishop of Tuam,
 asking him to supply the necessary information in order to prepare a Scheme for the
 Parochial Schools of that Diocese.

The Commissioners adjourned.

J. R. DOUGHERTY,

December 7, 1891.

N. D. Murphy, Assistant Secretary.

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December 7, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The Draft Scheme for the Erasmus Smith Endowments was further discussed and amended.

The Commissioners adjourned.

GERALD MOLLOY,
December 9, 1891

N. D. Murphy, Assistant Secretary.

December 9, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letter (Dec. 7) read from the Most Rev. Dr. O'Dwyer, Lord Bishop of Limerick, as to the Scheme for Leamy's Free School, Limerick.

A reply, as drafted, ordered to be sent.

A proof of the clauses of the Down and Connor and Deomara Diocesan Scheme, which were ordered to be printed by Minute of November 25, was submitted, approved, and ordered to be printed off; copies of same to be sent to the Owners or Managers of the Schools or Endowments included in the Schedules to the above Scheme.

The Commissioners adjourned.

ANTHONY TRAILL,
December 11, 1891.

N. D. Murphy, Assistant Secretary.

December 11, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letters read :—

The Under Secretary, Dublin Castle (Dec. 8), as to the Annual Report for the year 1890-91.
John B. Charlton (Dec. 8), as to the Scheme for the Charlton Charity.

Messrs. Alex. Thom and Co., Limited, as to charge for setting up and printing 100 copies of a Scheme, such as that for the Ulster Royal Schools.

Rev. James McTeeters (Dec. 10), as to the Endowment belonging to the Congregation of Brigh Presbytery of Tyrone.

Rev. W. Moore Morgan, M.A. (Dec. 11), as to adding a new School to the Schedule of the Armagh Diocesan Scheme.

John B. Hill, *Irish Daily Independent* (Dec. 10), asking that any notices of Meetings of the Commissioners be sent to that newspaper.

Replies, as drafted, ordered to be sent.

The Commissioners adjourned.

GERALD MOLLOY,
December 12, 1891.

N. D. Murphy, Assistant Secretary.

December 12, 1891.

Meeting of the Commission held this day at the office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letter (Dec. 10) read from Rev. John Elba, asking if the Commissioners would receive any Amendments to the Ossory Diocesan Scheme.

A reply, as drafted, ordered to be sent.

The Commissioners adjourned.

ANTHONY TRAILL,

December 16, 1891.

N. D. Murphy, Assistant Secretary.

December 16, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letters read :—

Rev. D. O'Sullivan (Dec. 10), wanting copy of the Vice-Chancellor's Order in the case of the Crofton Endowments, Clonsilla, returned to him.

Draughton Grant (Dec. 12), as to a Supplemental Scheme for the Catherine Academical Institution.

Rev. Alexander H. Dill (Dec. 14), as to Milltown School, included in the Route Presbytery Scheme.

Thomas Randle (Dec. 14), as to the Scheme for the Anne Hall Endowments.

The Secretaries, National Education Board (Dec. 14), as to the case of the Stratford Lodge Schools, Beltinglassa.

Rev. P. J. Duff, M.A. (Dec. 14), giving information as to the Endowment belonging to the Portrane National Schools, Co. Dublin.

Rev. W. H. Morrison (Dec. 14), stating he will send the information as to the Leverage Charity in a few days.

R. B. Ralston (Dec. 15), agreeing to the Amendment suggested by the Armagh Diocesan Council to the Leigh Charity Scheme.

Rev. George French (Dec. 15), wanting a copy of the Educational Endowments (Ireland) Act, 1885.

Rev. William McDonagh (Dec. 15), asking for a copy of the Educational Endowments (Ireland) Act, 1885, and of the Down and Connor and Drogheda Diocesan Schemes.

Replica, as drafted, ordered to be sent.

Communications were read from the following persons as to the schools named, in answer to the circular sent out in connection with the Down and Connor and Drogheda Diocesan Scheme :—

Rev. W. Riddell (Dec. 15), as to Magdalene School, Belfast.

Sir William Ewart, Bart. (Dec. 14), as to St. Mary's National Schools, Belfast.

Rev. C. T. P. O'Brien (Dec. 14), as to Friar's Place Scriptural School, Scargate.

Rev. A. Dawson (Dec. 15),

J. B. Atkinson, Solicitor, (Dec. 15),

Rev. William Thompson (Dec. 15), as to Cusendall and Parkmore Schools.

Rev. B. Banks (Dec. 15), as to Lumbag School.

Rev. E. M'C. McCready (Dec. 15), as to Magheradroll Schoolhouse.

Replica, as drafted, ordered to be sent.

The Assistant Secretary was directed to forward to the Secretary, Commissioners of Education, copy of the correspondence which had passed between the Commission and Messrs. A. Thom and Co. (Limited) with regard to the matter referred to in his letter of the 17th November.

The Commissioners adjourned.

GERALD FITZGERSON,

January 6, 1892.

N. D. Murphy, Assistant Secretary.

December 18, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau-street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL.

Communications were read from the following persons as to the schools named, in answer to the Circular sent out in connection with the Down and Connor and Dromore Diocesan Scheme :—

Rev. J. Shearman (Dec. 15), as to Luther Schoolhouse, Belfast.

A. M. Douglas (Dec. 15), as to the Finvey School.

J. S. Geany (Dec. 12), as to the Dree and Crossgar National Schools.

Replies, as drafted, ordered to be sent.

The Commissioners adjourned.

GERALD FITZGIBSON,

January 6, 1892.

N. D. Murphy, Assistant Secretary.

December 19, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau-street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL.

Letters read :—

Messrs. Crawford and Lockhart, Solicitors (Dec. 15), sending "consent" as to Hugh Henry Boyd's Endowment.

Rev. Samuel P. Warren, M.A. (Dec. 15), sending information as to the Ballynaggin Scriptural School.

Messrs. Crawford and Lockhart, Solicitors (Dec. 15), sending the Schedule corrected of Hugh Henry Boyd's Endowment.

Letter (Dec. 15) read from Rev. Thomas Cox as to the Scheme for John Sharp's Endowment.

A reply, as drafted, ordered to be sent.

Communications read from the following persons as to the schools named, in answer to the Circular sent out in connection with the Down and Connor and Dromore Diocesan Scheme :—

Rev. E. M'C. McCready (Dec. 15), as to the Magheradroll Schoolhouse.

Rev. S. E. Busby (Dec. 15), as to St. Andrew's School, Belfast.

Rev. Abraham Dawson (Dec. 15), as to the Lavaghery School.

Rev. J. N. Shearman (Dec. 15), as to St. Matthew's National School, Belfast.

Rev. H. R. Taylor (Dec. 17), as to Cumberden School.

The Commissioners adjourned.

GERALD FITZGIBSON,

January 6, 1892.

N. D. Murphy, Assistant Secretary.

January 4, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBSON, Mr. Justice O'BRIEN, Monsignor MOLLOY.

Letters read :—

Rev. Robert Jamison and others (Dec. 18), on behalf of the Methodist Church, Wexford, asking for representation on the proposed Governing Body for the Tate School, Wexford.

Rev. James Steen and others (Dec. 22), on behalf of the Presbyterian Congregation, Wexford, asking for representation on the proposed Governing Body for the Tate School, Wexford.

Sir William S. B. Kaye, c.s. (Dec. 22), acknowledging receipt of the Report of the Commissioners for the year 1890-91, as presented.

The Clerk of the Privy Council (Dec. 24), transmitting the Scheme for the Donaghadee Free Schools with a declaration.

Letters also read :—

Patrick Clancy (Dec. 23), as to the Scheme for the Carrystown Royal School Endowment.
 The Secretary of the Treasury (Dec. 26), as to the Order in Council of August 15, 1890, with reference to the retirement of permanent officers of the Civil Service.
 C. L. Davies, Treasury (Dec. 30), as to the conditions and remuneration of office and house-keepers, &c., employed in the office of the Commission.

Replies, as drafted, ordered to be sent.

Communications read from the following persons as to the Schools named, in answer to the circular sent out in connection with the Down and Connor and Dromore Diocesan Scheme.

Rev. J. Bingham (Dec. 15), as to Ardcline Schoolhouse.
 J. B. Atkinson, Solicitor (Dec. 19), giving names of Trustees of Levinghery School.
 P. Quinn, as to Dromore-road National School, and Narrow Water National School.
 John Casement (Dec. 25), as to Cusshin School.
 Rev. John Leslie (Dec. 28), as to Brownhedge and Lurganure Schools.
 General E. Gage (Dec. 30), as to Rathlin Island National School.
 Rev. Charles F. Dorey (Dec. 30), as to Billy Schoolhouse.
 Archibald Henderson, &c., as to Mullartown School.
 Rev. E. M'C. McCready (Dec. 23), as to Magherafrol School.
 The Churchwardens of the Parish of Dromore (Jan. 3), as to Dromore National School No. 4.

Replies, as drafted, directed to be sent to the following :—

Rev. E. Mockler (Dec. 23), as to Magherafrol Parochial National School.
 Rev. Arthur Palanham (Dec. 24), as to Longford Lodge Schools.
 Rev. Parker E. Major (Dec. 28), as to Ballyteachen Schoolhouse.
 Rev. H. McNeight (Jan. 2), as to Rasky Hill National School.

Letter (Jan. 1) read from Rev. James McNeen, M.A., Rector of Clonsdale, asking the Commissioners to prepare a Supplemental Scheme to amend portion of the Scheme for the Drogheda Schools, Armagh.

Ordered :—

That a copy of Rev. Mr. McNeen's letter be sent to the Governors of the above Schools, together with a letter, as drafted. Also that Rev. Mr. McNeen be informed that a copy of his letter has been sent to the Governors for their observations.

The Commissioners adjourned.

GERALD FITZGERSON,
 January 6, 1892.

N. D. Murphy, Assistant Secretary.

January 6, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Monsignor MOLLOY.

Minutes of four preceding meetings read and confirmed.

Letters read :—

Rev. J. H. Gatchell, D.D. (Jan. 5), sending information as to Hugh Edward's Charity, Castleberg.
 Rev. W. H. Morrison, B.A., sending information as to Levinge Charity, Kilsallen.

Letters also read :—

Charles Taylor, Solicitor (Jan. 5), as to the Scheme for the Tate School, Wexford.
 Rev. J. J. Cowan (Jan. 6) as to Dromantine National School, included in the Down and Connor and Dromore Diocesan Scheme.

Reply, as drafted, ordered to be sent.

Letter (Jan. 5) read from Colonel Waring, M.P., as to the Old Church Schoolhouse, Lurgan, stated to be the property of Lord Lurgan.

Letters, as drafted, were directed to be sent to Lord Lurgan, Colonel Waring, and the Rector of Shankill on the subject.

The Assistant Secretary was directed to write, in terms as drafted, to the Rector of Dromore in reference to Dromore National School (No. 4) stated to be vested in the "Churchwardens for the time being."

The following Schemes were ordered to be advanced with a view to signature by the Judicial Commissioners on January 20 :—

- No. 82.—The Donaghadee Free Schools (Amended Scheme).
- No. 89.—Down and Connor and Downmore Diocesan.
- No. 99.—Bangor Endowed School.
- No. 100.—The Tate School, Wexford.
- No. 103.—John Ivory's School, New Ross.
- No. 109.—The Southwell Endowment, Kinsale (Supplemental).
- No. 117.—The Leigh Charity.
- No. 122.—John Sharp's Endowments.
- No. 123.—The Charleville Endowment.
- No. 129.—The Hon. Michael Ward's Endowment.

The following Draft Schemes were ordered to be prepared for publication :—

- The Rockfield Institution.
- Kilmeaghas National School.
- The Downmore Presbytery Endowments.

[The Commissioners adjourned.

GERALD FITZGERSON,
January 8, 1892.

N. D. Murphy, Assistant Secretary.

January 8, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERSON, Monsignor MOLLOY.

Minutes of preceding meeting read and confirmed.

Letter (Jan. 6) read from Thomas Troughton, M.A., as to the Draft Scheme for Carrickmacross Grammar School.

A reply, as drafted, ordered to be sent.

The Commissioners adjourned.

WILLIAM O'BRIEN,
January 9, 1892.

N. D. Murphy, Assistant Secretary.

January 9, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Monsignor MOLLOY.

Minutes of preceding meeting read and confirmed.

Letter (Jan. 8) read from the Clerk of the Privy Council, relative to letter of 7th instant from the Commissioners.

Letters read from :—

- Rev. P. Segrave (Dec. 5), as to Dundalk Endowed School.
- Rev. T. William Clarendon (Dec. 5), as to Miss Nicholson's Endowment of £250 to Lissenore School, County Down.

Replies, as drafted, ordered to be sent.

The Assistant Secretary was directed to send a copy of the above letter from Rev. Mr. Clarendon to the Commissioners of Charitable Donations and Bequests, with a view to ascertaining what steps should be taken in the matter.

The Draft Scheme for the Kilmeaghas School and Percival Endowment was considered and amended.

The Commissioners adjourned.

GERALD FITZGERSON,
January 12, 1892.

N. D. Murphy, Assistant Secretary.

January 13, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERBON, Mr. Justice O'BRIEN, Monsignor MOLLOY,
Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Communications read from the following persons as to the Schools named, proposed to be included in the Down and Connor and Dromore Diocesan Scheme.

Very Rev. The Dean of Dromore (Jan. 9), as to Schools in Lurgan.

Colonel Thomas Waring, M.P. (Jan. 11), as to Old Church Schoolhouse.

Rev. Canon G. B. Bayers (Jan. 8), as to Schools in the Parish of Ballinderry.

Rev. William A. Hayes (Jan. 7), as to Dromore National School No. 2.

Replies, as drafted, ordered to be sent.

The Draft Scheme for the Kilsageen School and Percival Endowment was considered, further amended, and finally approved; to be signed for press by Dr. Traill.

The Commissioners adjourned.

GERALD MOLLOY,

January 15, 1892.

N. D. Murphy, Assistant Secretary.

January 15, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERBON, Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letters read :—

Rev. James H. Duke, M.A. (Jan. 14), as to the inclusion of Glencairn School in the Down and Connor and Dromore Diocesan Scheme.

Samuel H. Monroe (Jan. 14), asking for a copy of the Scheme for the Drolincourt, Mall, and Callan Street Schools, Armagh, as finally approved.

Replies, as drafted, ordered to be sent.

The Assistant Secretary was directed to write, in terms as drafted, to Mr. Robert H. Bland, Sub-Agent of the Wallace Estate, asking him to inform the Commissioners whether on the sale of the Wallace Estate to the tenants, arrangements are likely to be made for conveying to proper authorities, representing each Religious Denomination, the School premises at present managed by Clergymen or Laymen of each denomination.

The circular to Owners and Managers of Endowments or School Premises, dealt with in the Schedules to the Diocesan Draft Schemes, was finally settled and directed to be sent.

The Assistant Secretary was directed to write, in terms as drafted, to the Under Secretary, Dublin Castle, with reference to the delay of the Queen's Printer in proceeding with the work of the Commission entrusted to him.

The Commissioners adjourned.

J. B. DeCONERTY,

January 22, 1892.

N. D. Murphy, Assistant Secretary.

January 22, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERSON, Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read:—

Rev. Wm. Jeffares (Jan. 20), withdrawing his letter of the 19th inst., as to Carysfort Royal School Endowment.

Colonel Waring, M.P. (Jan. 21), stating he will sign the "Consent Form" for Kilmore National School, Longan.

Venerable Archdeacon Tait (Jan. 21), sending names of Board of Trustees to be named in the Tuscan Diocesan Scheme.

Rev. H. M. Stewart (Jan. 21), as to the Newtownards National School, Diocese of Down.

The Under Secretary, Dublin Castle (Jan. 18), as to filling up any vacancies that may occur in the office staff.

The Under Secretary, Dublin Castle (Jan. 18), as to the printing of the Commission in the Queen's Printer's hands.

Letters also read:—

Rev. Martin Fortune, M.P. (Jan. 17), as to the Erasmus Smith Endowments.

Rev. John A. Yorke (Jan. 16), as to Lord Lisserick's grant for Education in Dundalk.

Rev. Walter Kiddell (Jan. 18), asking that the Deeds relating to Magdalene Schoolhouse, Belfast, be returned.

Rev. William A. Hayes (Jan. 18), enclosing copy of Deeds relating to Dromore National School (Number 4).

C. Sheldon, D.Lit. (Jan. 20), asking that copies of all Schemes published by the Commission be sent to him, as representing the Congregational Union of Ireland.

A. Wilson (Jan. 19), acknowledging receipt of copy of Rev. Mr. M'Neece's letter, as to a Supplemental Scheme for the Drolincourt, Mall, and Cullin Street Schools, Armagh.

Rev. M. Collis (Jan. 20), as to the Antrim Male National School (No. 3), Diocese of Connor.

Replies, as drafted, ordered to be sent.

Letter (Jan. 21) read from Surgeon W. I. Wheeler, F.R.C.S.I., as to a promise from Sir Arthur P. Aylmer of a portion of land adjoining the Schoolhouse at Kilmesague.

Ordered:—

That the Assistant Secretary write to Sir Arthur Aylmer, in terms as drafted, in connection with the above letter.

The Assistant Secretary was directed to write, in terms as drafted, to Messrs. Crookshank and Leach, Solicitors for Lord Roden, in reference to the School premises of the old Dundalk Endowed School.

THE ERASMUS SMITH ENDOWMENTS.

It was agreed:—

That an explanatory memorandum be drawn up to accompany the Draft Scheme for the above Endowments, when published.

The Commissioners adjourned.

ANTHONY TRAILL,

January 23, 1892.

N. D. Murphy, Assistant Secretary.

January 23, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

With reference to Surgeon Wheeler's letter as to Kilmesague School, read at the last meeting, the Assistant Secretary was directed to send copy of same to Mr. Frederick Kennedy, Solicitor, 4, Lower Ormond Quay, with a letter as drafted, and the directions given at the last meeting as to letter to Sir A. P. Aylmer were countermanded.

The Assistant Secretary was directed to write, in terms as drafted, to Rev. Alexander Patton, M.A., and Rev. Wm. Clarke, B.A., with regard to the Scheme for Bangor Endowed School.

The Draft Scheme for the Erasmus Smith Endowments was further considered.

The Commissioners adjourned.

GERALD FITZGERSON,

January 27, 1892.

N. D. Murphy, Assistant Secretary.

January 27, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letters read:—

Ven. Archbishop Tait (Jan. 25) sends list of additional Schools for Schedule to the proposed Tuam Diocesan Scheme.

Rev. Francis A. Sanders (Jan. 26), as to appointment of Schoolmaster for Benbawn School, Rev. John Gilson (Jan. 26), as to a Supplemental Scheme for Endowments in connection with the Ballymena Presbytery.

A. Nelson (Jan. 26), as to the Supplemental Scheme for the Drellincourt, Mall, and Callan Street Schools, Armagh.

Replies, as drafted, ordered to be sent.

The Commissioners adjourned.

GERALD MOLLOY,

January 29, 1892.

N. D. Murphy, Assistant Secretary.

January 29, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The following letters were read:—

Rev. H. McKnight (Jan. 27), as to Bushy Hill National School, on the Wallace Estate.

Rev. William Clarke (Jan. 26), as to the Scheme for the Bangor Endowed School.

Replies, as drafted, ordered to be sent.

Letters in terms as drafted were ordered to be written to Lord Bangor, Robert E. Ward, and the Hon. Somerset Ward, as to the constitution of the proposed Governing Body of the School.

The Commissioners adjourned.

WILLIAM O'BRIEN,

February 3, 1892.

N. D. Murphy, Assistant Secretary.

January 30, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

KILMEAGUE NATIONAL SCHOOL.

A conference was held with Surgeon Wheeler, F.R.C.S.I., and the Rev. Mr. Garrett, existing Trustees, in reference to the land promised by Sir A. P. Aylmer to the School.

The Secretary was directed to write to Mr. Frederick Kennedy, Solicitor, in reference to his non-attendance in compliance with the letter of the Commissioners.

Letters read :—

Rev. M. F. H. Collins (Jan. 28), as to Austin National School (No. 3), included in the Down and Connor and Downmore Diocesan Schemes.

The Town Clerk, Kinsale (Jan. 29), as to the present amount of the Southwell Endowment.

The Draft Scheme for the Erasmus Smith Endowments was further considered.

The Secretary was directed to write, in terms as drafted, to the Registrar, Erasmus Smith Board, as to the authority for payments of stipends to Professors and Lecturers in Trinity College, Dublin, in excess of those authorised by the Act of Parliament of 1723.

The Commissioners adjourned.

WILLIAM O'BRIEN,

February 3, 1892.

N. D. Murphy, Assistant Secretary.

February 3, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBSON, Mr. Justice O'BRIEN, Monsignor MOLLOY.

Minutes of preceding meeting read and confirmed.

Letters read :—

The Secretary Representative Church Body (Feb. 2), sending "Consent" for Clontarf School, to be included in a Supplemental Scheme for the Diocese of Clogher Schools.

Rev. E. J. Barry (Feb. 2), sending his "Consent," as to same School, Clontarf.

Letters also read :—

Rev. William Malohette (Jan. 30), as to Ballintoy School, county Antrim.

Rev. George Wade (Feb. 2), as to Magherally School, Diocese of Down.

Replies, as drafted, ordered to be sent.

Letter (Feb. 2), read from Messrs. Crookshank and Leach, Solicitors, offering to buy the Dundalk Endowed School premises on behalf of Lord Roden.

Proceedings were directed to be taken with regard to obtaining, through the Commissioners of Valuation, a Report on the value of the premises as in the case of Mungret College.

The Secretary was directed to furnish the Most Rev. Dr. McAlister, Lord Bishop of Down, with information as to the Mildowney Bequest, Ballyvoy, in answer to his Lordship's letter of November 7, 1891.

Lord Justice FitzGibbon having reported an interview which he had with the Chief Secretary, with regard to the business of the Commission, it was resolved :—

That the following white Schemes now in progress should be brought out before the end of February :—

Kilbeggs School and Personal Endowment.
Mount Sandford Endowment, Castlerea.
The Downmore Presbytery Endowments.
The Tuam Parochial Schools.
The Lyons Endowment, Leaghine.
The Dublin City Parochial Schools.
The Comber Presbytery Endowments.
The Derry Presbytery Endowments.

It was also resolved :—

That the Assistant Commissioners shall hold a series of meetings, commencing on Friday, February 5, to be continued until the Schemes are completed.

The Commissioners adjourned.

ANTHONY TRAILL,

February 3, 1892.

N. D. Murphy, Assistant Secretary.

February 5, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FRYGEMAN, Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letters read:—

Rev. T. R. Graham (Feb. 4), sending names of Governing Body for Scheme for Presbytery of Comber.

Rev. J. H. Murphy (Feb. 3), sending names of Governing Body and Schedule for Cork Presbytery.

Rev. J. L. Darling (Feb. 4), as to Supplemental Scheme for the Southwell Endowment, Kinsale County Cork.

Letters also read:—

Messrs. Carleton, Atkinson, and Sloan (Feb. 5), as to Deaconsery Schools, Diocese of Armagh.

Rev. E. Ekin (Feb. 4), asking for copy of revised Scheme for the Diocese of Down and Connor and Dromore.

Rev. S. Graham (Feb. 2), sending further Endowments for Schedule of Scheme for Presbytery of Dromore.

Rev. G. Thompson (Feb. 3), as to the auditing of Scheme for Presbytery of Raphoe.

The Secretaries of National Education (Feb. 3), asking for copy of Statement referring to Stratford Lodge Schools.

Replies, as drafted, ordered to be sent.

The Draft Scheme for the Lyons Endowment, Loughrea, was considered and passed, subject to certain questions which were reserved for a subsequent meeting of the Commission.

The resignation of Mr. Leslie J. Gill, Clerk of the Commissioners, was reported, and it was

Resolved:—

That Mr. Leslie J. Gill having left the service of the Commissioners, on his appointment to a clerkship in the Land Commission Department, they wish to place on record their entire satisfaction with the mode in which he discharged his duties from the founding of the Commission to the present time.

The Commissioners adjourned.

WILLIAM O'BRIEN,

February 10, 1892.

Wm. Edward Ellis, Secretary.

February 6, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL.

The Scheme for the Lyons Endowment, Loughrea, was further considered; the corrections were ordered to be carried out in print and submitted to a subsequent meeting of the Commission, if possible on Monday evening.

A Draft Clause for Agricultural Exhibitions in the Scheme for the Lyons' Endowment for Loughrea was proposed by Monsignor Molloy, and considered, and it was decided to have it submitted for the consideration of the Commission on Wednesday next.

The Commissioners adjourned.

WILLIAM O'BRIEN,

February 10, 1892.

Wm. Edward Ellis, Secretary.

February 10, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL.

Minutes of two preceding meetings read and confirmed.

Letters read:—

Archdeacon Tait (Feb. 5), sending further Endowments for Schedule of Scheme for Tuam Diocese.

Vicars of Bangor (Feb. 5), as to constitution of Governing Body of Bangor Endowed Schools.

Mr. Allan (Feb. 8), as to correspondence on Bangor Endowed Schools.

Rev. J. Jackson (Feb. 5), asking for copy of amended Scheme for Diocese of Down and Connor and Dromore.

A

Letters also read :—

Rev. J. H. Monahan (Feb. 8), as to Scheme for Cock Street and Bohobeth Protestant Reformatory Schools.

Messrs. Carleton, Atkinson, and Sloan (Feb. 9), as to Armagh Diocesan Schools.

Very Rev. Cavan Catter (Feb. 9), as to Supplemental Scheme for the Southwell Endowed Schools.

Messrs. H. T. Dix and Sons (Feb. 10), enclosing statement as to Dromed School, County Leitrim.

Replies, as drafted, ordered to be sent.

A letter was also read from John Kelso Reid (Feb. 4), enclosing statement as to the Coleraine Temperance Institute.

Reply postponed.

The Scheme for the Lyons Endowment, Loughrea, was further considered, and new clauses as to Agricultural Exhibitions were agreed to.

The Assistant Secretary was directed to obtain all necessary information for the purpose of filling the blanks in the Schemes for the Mount Sandford and Lyons Endowments.

The Dublin City Scheme was considered and passed, to come up for final consideration as soon as possible.

The Commissioners adjourned.

J. E. DOUGHERTY,

February 11, 1892.

N. D. Murphy, Assistant Secretary.

February 11, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read :—

Rev. E. Ekin (Feb. 9), objecting to Ballykeel National School being included in the Schedule of the Scheme for the Dioceses of Down and Connor and Downmore.

A statement from Mr. James Clavinan (Feb. 10), Manager of this School, was also read on the subject.

Rev. E. Ekin (Feb. 9), asking that Artara School might be included in Schedule of proposed Scheme for Presbytery of Downmore.

Replies, as drafted, ordered to be sent.

It was ordered that the Draft Scheme for the Erasmus Smith Endowments should be put down for consideration on Saturday, February 13.

The Scheme for the Lyons Endowment, Loughrea, was ordered to be sent out marked "Final," and also the Scheme for Downmore Presbytery.

The Commissioners adjourned.

WILLIAM O'BRIEN,

February 12, 1892.

N. D. Murphy, Assistant Secretary.

February 12, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

A Letter was read from the Under Secretary, Dublin Castle (Feb. 11), announcing the appointments of Mr. Ekin to an Auditorship of the Local Government Board, and Mr. Gill to a Clerkship under the Coagulated Districts Board.

A list of Schemes, as settled by the Assistant Commissioners for publication in March next, was brought up and approved.

The Assistant Secretary was directed to write, in terms as drafted, to His Grace the Duke of Devonshire, with regard to His Grace's School Endowments at Bandon, Youghal, and Lismore.

The Commissioners adjourned.

WILLIAM O'BRIEN,

February 13, 1892.

N. D. Murphy, Assistant Secretary.

February 13, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Monsignor MOLLOY,
Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

A letter was read from the Secretaries, Commissioners of Charitable Donations and Bequests (Feb. 10), giving power to the Educational Endowments Commission to deal with the St. Leger Aldworth (Cork) Bequest.

Reply, as drafted, ordered to be sent.

The Assistant Secretary was directed to write to the Commissioners of National Education for information as to the Schools in Newmarket under the control of their Board, with a view to framing a Scheme for the appropriation of the St. Leger Aldworth Bequest.

The Draft Scheme for the Lyons Endowment, Loughrea, was considered and passed, subject to being submitted to Lord Justice FitzGibbon for final approval.

The question reserved in the consideration of the Draft Scheme for the Droemore Presbytery was taken up, and it was agreed that no change should be made in the Schedule.

The Draft Scheme for the Derry Presbytery was passed, subject to the Schedule being carefully revised; and it was agreed that the Endowments belonging to the Derry First Presbyterian Congregation should not be dealt with in the Scheme.

The question reserved in the consideration of the Mount Sandford Endowment was taken up, and it was

Resolved, Dr. Traill dissenting:

That the Exhibitions should be open to all Schools in the Castlereagh District.

The Commissioners adjourned.

GERALD FITZGERSON,

February 17, 1892.

N. D. Murphy, Assistant Secretary.

February 17, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Monsignor MOLLOY,
Dr. TRAILL.

Minutes of the preceding meeting were read and confirmed.

Letters read:—

Rev. J. McNeen (Feb. 15), as to the tenure of Exhibitions in Glenties National School.
The Registrar, Browne's South Board (Feb. 16), enclosing statement as to salaries of Professors.

Letters also read:—

Ven. Archbishop Daly (Feb. 15), sending the names of the Representative Members of the Diocesan Council on the Governing Body of the Scheme for the Lyons Endowment.

Rev. T. Campbell (Feb. 15), as to Schools included in the Scheme for the Parochial Schools of the Dioceses of Down and Connor and Droemore.

Colonel Aldworth (Feb. 16), as to the St. Leger Aldworth Bequest.

Rev. M. Duncan (Feb. 16), desiring a Scheme to be prepared for the Presbytery of Donegal.

Replies, as drafted, ordered to be sent:—

The question as to the Coleraine Temperance Institute was further considered, and it was decided not to deal with the matter.

The following Draft Schemes were set down for publication on Monday, February 22:—

1. The Kilmeegan School and Personal Endowment.
2. The Mount Sandford Endowment, Castlereagh.
3. The Droemore Presbytery.
4. The Parochial Schools of the Diocese of Tuam.
5. The Lyons Endowment, Loughrea.
6. The Dublin City Parochial Schools.
7. The Conker Presbytery.
8. The Derry Presbytery.

The usual instructions were given as to the mode of publication.

The Commissioners adjourned.

WILLIAM O'BRIEN,

February 20, 1892.

N. D. Murphy, Assistant Secretary.

February 19, 1892.

Stated Attendance of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY.

Letters read:—

C. S. Graham (Feb. 18), as to the Governing Body of the Lyons Endowment, Loughrea.
The Secretaries, Commissioners of National Education (Feb. 17), as to Kilmagur School,
Co. Kildare.

A communication from the Commissioner of Valuation was read as to the Dundalk Endowed School.

The consideration of the Scheme for the Presbytery of Comber was put down for Saturday, Feb. 20.

WILLIAM O'BRIEN,
February 20, 1892.

N. D. Murphy, Assistant Secretary.

February 20, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Monsignor MOLLOY.

Minutes of the preceding meeting and Stated Attendance of February 19 were read and confirmed.

A letter was read from Ven. Archbishop Daly (Feb. 19), as to the Governing Body of the Scheme for the Lyons Endowment, Loughrea.

The Draft Scheme for the Presbytery of Comber was brought up, considered, and ordered to be marked "Final."

The Commissioners adjourned.

WILLIAM O'BRIEN,
February 24, 1892.

N. D. Murphy, Assistant Secretary.

February 24, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting were read and confirmed.

Letters read:—

Rev. J. B. McBride (Feb. 23), as to the Trustees of the Endowments belonging to the Presbytery of Derry.

P. P. Ritchie (Feb. 22), applying for a copy of the Scheme for the Parochial Schools of the Diocese of Clogher.

B. B. Rafter (Feb. 23), as to the Schedule of the Scheme for the Leigh Charity.

The Scheme for the Parochial Schools of the Diocese of Tuam was passed, subject to Dr. Traill's correction.

The Scheme for Kilmagur School Endowments was passed.

The Scheme for Comber Presbytery was passed, subject to Professor Dougherty's corrections.

The Scheme for the Erasmus Smith Endowments was put down for consideration on Saturday, February 27.

The Commissioners adjourned.

GERALD MOLLOY,
February 25, 1892.

N. D. Murphy, Assistant Secretary.

February 26, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsieur MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting were read and confirmed.

Objections lodged with the Clerk of the Privy Council as to the Scheme for the Belfast Natural History and Philosophical Society, were considered, and it was agreed that the papers should be sent to Professor Dougherty to prepare the observations of the Commissioners thereon.

Letters read:—

Rev. G. Tottenham (Feb. 25), as to Schedule of Scheme for the Parochial Schools of the Diocese of Clogher.

Messrs. H. T. Lux & Sons (Feb. 10), as to the Warren Endowment, Drummed School.

Replies, as drafted, ordered to be sent.

Letters also read:—

Rev. J. B. McBride (Feb. 25), as to Derry Presbytery.

Rev. G. French (Feb. 16), sending Return for Salissee Scriptural School.

A draft of the reply to be sent to the Under Secretary, in reference to his communication of the 23rd instant, as to the provision to be made for the expenses of the Commission in the Estimates 1892-93, was considered.

The Commissioners adjourned.

GERALD FITZGERDON,

February 27, 1892.

N. D. Murphy, Assistant Secretary.

February 27, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERDON, Mr. Justice O'BRIEN, Monsieur MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting were read and confirmed.

A letter was read from R. H. Power (Feb. 26), the Duke of Devonshire's Agent, as to Schools at Bandon, Lisacree, and Youghal.

The question of these Schools was referred to Monsieur Molloy.

The question of the Erasmus Smith Endowments was further considered.

The following notice was ordered to be published in the Dublin, Cork, Belfast, Derry, and Limerick newspapers:—

EDUCATIONAL ENDOWMENTS (IRELAND) ACT, 1881.

PUBLIC NOTICE.

The Commissioners have received an intimation that it is not the intention of Her Majesty's Government to ask Parliament to prolong the Statutory Powers of the Commission beyond March 31, 1893; therefore, all Governing Bodies, and other persons interested in Endowments, who desire to make application for Schemes, are hereby required to do so as soon as possible, and not later than September 30, 1892.

By Order of the Commissioners,

N. D. MORPHY, Assistant Secretary.

February 27, 1892.

The reply of the Judicial Commissioners to the communication from the Under Secretary (Feb. 25), was ordered to be sent as drafted.

The Commissioners adjourned.

ANTHONY TRAILL,

March 2, 1892.

Wm. Edward Ellis, Secretary.

March 2, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL.

Minutes of the preceding meeting were read and confirmed.

A letter was read from the Most Rev. Dr. Dwyer (Feb. 27), as to the Schemes for the Limerick Endowments.

Reply, as drafted, ordered to be sent and a copy of his Lordship's letter was ordered to be forwarded to the Judicial Commissioners.

A letter was read from Rev. N. W. Carré (March 1), as to the *Philobono' Sunday and Daily Schools*.

A draft of a reply was ordered to be forwarded with the letter to Lord Justice Fitz-Gibbon.

Letters also read:—

Messrs. S. and A. Walker (Feb. 29), as to Trinity Church School.

Messrs. Crookshank and Leach (Feb. 25), as to the *Lenses of Dundalk Endowed School*.

The following list of Schemes was set down for publication in March:—

1. Dundalk Endowed School.
2. Dredincoart, Mall, and Callan Street Schools, Armagh; and *Primate Robinson's Armagh Loan Fund*.
3. The Killynny Subscription School.
4. The Cork Presbytery.
5. The *Coleman's Academic Institution*.
6. The *Dublin City Parochial Schools*.
7. The *City of Cork Parochial Schools*, and *Cork, Cloyne, and Ross Diocesan Endowments*.

The Commissioners adjourned.

GERALD MOLLOY,

March 5, 1892.

N. D. Murphy, Assistant Secretary.

March 4, 1892.

Stated attendance of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Dr. TRAILL.

A letter was read from Rev. M. C. Steele (March 2), objecting to *Drumlough National School* being included in the Scheme for the *Dioceses of Down and Connor, and Down and Drogheda*.

Reply, as drafted, ordered to be sent.

Letters read:—

Rev. J. B. McBride (March 3), as to *Derry Presbytery*.

Rev. R. D. Oliver (March 3), as to correspondence connected with the *Portlough National Endowments*.

William Curtis (March 3), applying for copy of the Draft Scheme for the *Kilmeag School and Pervoral Endowment*.

William Miles (March 3), applying for copy of the Scheme for the *Lyons Endowment*.

Rev. T. H. Fleming (March 3), applying for copy of the Scheme for the *Lyons Endowment*.

Rev. S. Johnston (March 2), asking for copy of Scheme for the *Parochial Schools of the Diocese of Tuam*.

J. Bogan (March 2), asking for copy of Scheme for "*John Browne's Endowment*," No. 79.

Letter as drafted was ordered to be written to the Very Rev. the Dean of Ossory, as to the *Evans Charity*.

GERALD MOLLOY,

March 5, 1892.

N. D. Murphy, Assistant Secretary.

March 5, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL.

The minutes of the preceding meeting and stated attendance were read and confirmed.

A letter was read from Drummond Grant (March 3), as to the Scheme for the Coleraine Academical Institution.

After consideration it was resolved:

That a Supplemental Scheme should be drafted for the Coleraine Academical Institution, giving power to the Governors, in accordance with their wish, to raise money on the School Premises, and power to the Head Master or Governors to appoint and dismiss Assistant Masters.

A Circular was read from the Under Secretary, Dublin Castle, giving notice of a sitting to hear objections to the Scheme for the Carysfort Royal School Endowment.

The Draft of a reply to the Rev. N. W. Carré, in connection with the Pafshboro' Sunday and Daily Schools, which had been amended by Lord Justice FitzGibbon, was considered and ordered to be sent.

The circumstances of Mount Sandford Endowment, Castlereagh, were considered, and a circular together with a copy of the account of the Endowment were ordered to be sent to all persons interested.

The Commissioners adjourned.

ANTHONY TRAILL,

March 9, 1892.

N. D. Murphy, Assistant Secretary.

March 9, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Rev. Monsignor MOLLOY, Dr. TRAILL.

Minutes of the preceding meeting were read and confirmed.

Letters read:—

The Marquis of Sligo (March 5), as to Westport Parochial School.

Rev. J. H. Monahan (March 5), as to the Dublin Protestant Reformatory Schools.

Rev. H. M. Butler (March 7), as to Limerick Presbytery.

Replies, as drafted, ordered to be sent.

Letters also read:—

Ven. Archbishop Tait (March 7), as to the Scheme for the Parochial Schools of the Diocese of Tuam.

W. E. Lithakile (March 7), as to Carysfort Royal School Endowment.

Ven. H. V. Daly (March 7), as to the Scheme for the Lyons Endowment, Loughrea.

Rev. T. H. Fleming (March 7), as to the Scheme for the Lyons Endowment, Loughrea.

The case of Ballintoy School was considered, and it was agreed that a Scheme should be prepared for the future management of the Endowment.

The Assistant Secretary was directed to write, in terms as drafted, to the Head Master of each of the Duke of Devonshire's schools at Bandon, Youghal, and Limerick.

The Commissioners adjourned.

J. B. DOUGHERTY,

March 11, 1892.

N. D. Murphy, Secretary.

March 11, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting were read and confirmed.

Letters read:

Rev. J. Dughey (March 10), as to Carysfort Royal School Endowment.

Rev. J. McClelland (March 8), as to Drumlough National School.

Replies, as drafted, ordered to be sent.

Letter also read:

T. Stephenson (March 10), as to Carysfort Royal School Endowment.

The Draft Supplemental Scheme for the Coleraine Academic Institution was considered and passed.

A Report on the Duke of Devonshire's Schools at Bandon, Youghal, and Lismore, was submitted by Monsignor Molloy, and considered. It was agreed not to proceed with the matter until there should be a full meeting of the Commission. [over]

Notices of a Public Sitting at Ballymoney in connection with the Crause Bequest, were directed to be sent to persons interested, and published in the *Belfast Northern Whig*, *Morning News*, and *News Letter*.

The Commissioners adjourned.

ANTHONY TRAILL.

March 12, 1892.

N. D. Murphy, Secretary.

March 12, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—MONSIGNOR MOLLOY, DR. TRAILL, PROFESSOR DOUGHERTY.

Minutes of the preceding meeting were read and confirmed.

Letters read:—

Rev. J. B. McBride (March 11), suggesting alterations in the Schedule of the Draft Scheme for the Presbytery of Derry (135).

Rev. B. McAndrew (March 11), asking for copy of Draft Scheme for the Lyons Endowment, Loughrea (134).

W. J. Hauns (March 12), sending return of pupils attending the Duke of Devonshire's School, Youghal, during the last three years, and at the present time.

Ven. D. A. Orpen (March 12), as to Scheme for the Parochial Schools of the Dioceses of Ardagh and Aghadoe.

Replies, as drafted, ordered to be sent.

Further observations of the Commissioners on the objection to the Scheme No. 85 for the Carysfort Royal School Endowment, were considered, passed, and ordered to be sent out to all parties interested.

The Draft Scheme for Viscount Limerick's Endowment, Dundalk, was considered and passed, subject to a question reserved for a full meeting of the Commission.

The Draft Scheme for the Presbytery of Cork was submitted and approved, and ordered to be brought up marked "Final."

The Commissioners adjourned.

GERALD FITZGIBSON.

March 23, 1892.

N. D. Murphy, Secretary.

March 16, 1892.

Stated Attendance of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—MONSIGNOR MOLLOY.

Letters read:—

Rev. R. J. Ford (March 15), as to the Mount Sandford Endowment, Castleroa.

Wm. J. Fraser (March 12), as to property connected with the Presbyterian Congregation of Bellinaghy.

Replies, as drafted, ordered to be sent.

Letters also read:—

Rev. R. Deane Oliver (March 15), as to Portarlington Free School.

Rev. Wm. Macchetto (March 14), as to Ballintoy School, County Antrim.

The Secretary, Representative Church Body (March 13), as to the Mount Sandford Endowment, Castleroa.

The Marquis of Sligo (March 13), giving "consent" that Westport Parochial School should be included in the Scheme for the Diocese of Tuam.

The Dean of Ossory (March 13), as to the Evans Charity.

The Secretary, Commissioners of Charitable Donations and Bequests (March 13), as to the Mount Sandford Endowment, Castleroa.

The Secretary was directed to obtain, from the Record Office, a copy of the Will of the Rev. Wm. Sandford, who died in 1809 or 1810.

The Secretary was directed to prepare a List of the Endowments not yet dealt with by the Commission, divided into two classes :—

A.—Endowments subject to the compulsory jurisdiction of the Commission for which—

- I. It is expedient to prepare Schemes,
- II. It seems doubtful whether it would be expedient to prepare Schemes,
- III. It would not seem expedient to prepare Schemes;

B.—Endowments not subject to the compulsory jurisdiction of the Commissioners with respect to which applications for Schemes have been made by the Governing Bodies thereof.

The Secretary was also directed to use every possible means with a view to ascertaining the Trusts of the Endowments for Fountains Green School.

GERALD FITZGIBBON,

March 29, 1892.

N. D. Murphy, Secretary.

March 18, 1892.

Stated Attendance of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY.

Letter (March 16) read from Drummond Grant, as to the Draft Supplemental Scheme for the Coleraine Academical Institution, and as to the expiration of the powers of the Commission.

Reply, as drafted, ordered to be sent.

Letters also read :—

Rev. F. Stanham (March 15), sending return of pupils attending the Duke of Devonshire's School, Runcorn, during the last three years, and at the present time.

The Venérable the Archbishop of Arifort (March 15), asking for a copy of the Scheme for the Parochial Schools of the Diocese of Elphin (138).

Dublin Castle (March 16), enclosing a report, made by the Commissioner of Valuation, on the Dundalk Endowed School.

Rev. W. C. McCusland (March 15), as to the Mount Sandford Endowment, Castlebar.

The reply, as drafted by Lord Justice FitzGibbon, to a letter (March 7) from the Secretary, Alliance Assurance Company, as to the Commission vacating their present offices, was considered and, with a small addition, ordered to be sent.

GERALD FITZGIBBON,

March 29, 1892.

N. D. Murphy, Secretary.

March 19, 1892.

Stated Attendance of the Commissioners was held at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY.

Letters read :—

Michael Callaghan (March 17), as to the Mount Sandford Endowment, Castlebar.

The Clerk of the Privy Council (March 15), remitting the Scheme for the Carysfort Royal School Endowment, with a declaration.

Monsignor Molloy suggested that Wednesday, March 30, should be fixed for the publication of the next batch of Schemes; that the following six Schemes might be then brought out, namely :—

- (1.) The Droghda Court, Mall, and Callan Street Schools, Armagh (Supplemental Scheme).
- (2.) The Kilkenny Subscription School.
- (3.) Cork Presbytery.
- (4.) Coleraine Academical Institution (Supplemental Scheme).
- (5.) The Diocese of Arifort and Aghadoe.
- (6.) The City of Cork Parochial Schools, and Cork, Cloyne, and Ross Diocesan Endowments (Supplemental Scheme).

And that the seventh, namely, "The Viscount Limerick's Endowment, Dundalk," might also be then published, provided a meeting of the full Commission, at which the Judicial Commissioners should be present, be held before March 30.

GERALD FITZGIBBON,

March 29, 1892.

N. D. Murphy, Secretary.

March 23, 1892.

Stated Attendance of the Commissioners was held this day at the Office 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY.

Letters read:—

The Deputy-Keeper, Public Record Office (March 22), as to the Will of the Rev. Wm. Sandford.

Rev. A. L. Elliott (March 19), as to the Dublin City Parochial Schools.

T. Stephenson (March 18), as to the Carysfort Royal School Endowment.

Rev. Wm. Warburton (March 21), as to the Mount Sandford Endowment, Castleroa.

J. Egan (March 21), as to the Mount Sandford Endowment, Castleroa.

T. Acton (March 21), as to Carysfort Royal School Endowment.

A letter also read:—

Rev. J. Mitchell (March 19), as to the Congregation of Anahilt, Presbytery of Downora.

Reply, as drafted, ordered to be sent.

The List ordered to be prepared on March 16, as to the Endowments not yet dealt with by the Commission, was considered, and directions were given as to the form in which it should be made out.

The Draft Supplemental Scheme for Cork City, and Cork, Cloyne, and Ross Dioceses, and the Scheme for the Diocese of Ardara and Aghadoc were considered, and copies ordered to be sent to Dr. Trull.

With regard to the Crumlin Bequest, the Secretary was directed to obtain from the Commissioners of Charitable Donations and Bequests a copy of their Minute containing the opinion of Father Parrelly, Parish Priest of Ballymonee, as to the Schools which should share in the Endowment.

A letter, as drafted, was ordered to be sent to the Registrar, Erasmus Smith Board, as to the English Schools receiving grants from the Board.

GERALD FITZGERSON,

March 23, 1892.

N. D. Murphy, Secretary.

March 23, 1892.

Stated Attendance of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY.

Letters read:—

Rev. J. Bingham (March 22), as to the Scheme for the Presbytery of Conber.

R. S. Longworth-Dames (March 24), as to the Dublin City Parochial Schools.

G. B. Wills Sandford (March 23), as to the Mount Sandford Endowment, Castleroa.

Rev. B. J. Ford (March 20), as to the Mount Sandford Endowment, Castleroa.

Rev. P. Hanly (March 23), as to the Mount Sandford Endowment, Castleroa.

Rev. G. Tottenham (March 22), as to the Scheme for the Parochial Schools of the Diocese of Clogher.

Rev. J. H. Monahan (March 24), as to the Dublin Protestant Reformatory Schools.

The following provisional List of Schemes was arranged for publication in April:—

1. The Erasmus Smith Endowments.
2. The Dublin City Parochial Schools.
3. The Mount Sandford Endowment, Castleroa.
4. The Parochial Schools of the United Dioceses of Dublin, Glendalough, and Kildara.
5. The Clogher Presbytery.
6. The Ballinacorney School.
7. The Drogheda Blue School.
8. The Irish Clergy Daughters School.

GERALD FITZGERSON,

March 23, 1892.

N. D. Murphy, Secretary.

March 26, 1892.

Stated Attendance of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY.

A letter was read from Messrs. F. and K. Reid (March 25), as to property belonging to the Congregation of First Derry.

It was suggested that the Draft Scheme for the St. Leger Aldworth Endowment should be included in the List of Schemes to be published in May.

GERALD FITZGERSON,

March 26, 1892.

N. D. Murphy, Secretary.

March 28, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERSON, Monsignor MOLLOY.

A letter was read from P. S. Connolly (March 26), enclosing resolution of the Limerick Corporation as to the Roxborough Road School.

Reply, as drafted, ordered to be sent.

Letters also read :—

Rev. H. Murphy (March 26), as to Brackan National School, County Kildare.

The Commissioners of National Education (March 26), as to Schools in connection with their Board in the Town of Newmarket, County Cork.

It was arranged that meetings should be held each day during the following week, the Commissioners to be informed of the same.

The Commissioners adjourned.

GERALD FITZGERSON,

March 29, 1892.

N. D. Murphy, Secretary.

March 29, 1892.

PUBLIC SITTING

Meeting of the Commission held this day at the Courthouse, Ballymoore.

Present :—Dr. TRAILL, Professor DOUGHERTY.

Mr. McBride, the Shorthand Writer, was in attendance.

Dr. Traill made an introductory statement.

THE GRAMMAR REQUEST.

Thomas M. Greer, Esq., Solicitor, appeared on behalf of the present Trustees.

Hunt W. Leach, Esq., Solicitor, appeared for the Rev. J. M. Benson.

Mr. Greer made a statement.

The following witnesses were sworn and examined :—

Mr. McKelvey.

Mr. Cochran.

Rev. P. Farrelly.

Rev. J. M. Benson.

Rev. M. Hamilton.

Rev. M. Thompson.

Rev. M. Armeson.

Rev. Robert Knowles.

The Commissioners adjourned.

WILLIAM O'BRIEN,

April 1, 1892.

Frederick Redmond, Assistant Secretary.

March 30, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERSON, Monsignor MOLLOY.

The minutes of the meeting held on March 12, and of the Stated Attendances held on March 16, 18, 19, 23, 25, and 26, and of the meeting held on March 28, were read and confirmed.

A letter was read from Rev. T. Caldwell (March 28), as to the Route Freshbury.

Reply, as drafted, ordered to be sent.

Letters also read :—

Rev. J. H. Thorpe (March 25), as to Scheme for the City of Cork Parochial Schools; and Cork, Clonys, and Ross Parochial Schools.

The following Draft Schemes were ordered to be published on March 31 :—

No. 138.—“The Drelincourt Hall and Collis Street Schools, Armagh, and Primate Robinson's, Armagh Loan Fund.” (Supplemental Scheme.)

No. 139.—“The Endowments of and belonging to Congregations under the care of the Presbytery of Cork.”

No. 140.—“The Coleraine Academical Institution.” (Supplemental Scheme.)

No. 141.—“The Parochial Schools of the United Dioceses of Ardfof and Aghadoe.”

No. 142.—“The City of Cork Parochial Schools; and the Cork, Clonane, and Ross Parochial Schools.” (Supplemental Scheme.)

No. 143.—“The Viscount Limerick's Endowment, Dundalk.”

The usual instructions were given as to the mode of publication.

The list of Schemes to be published in April was considered.

The objections lodged with the Clerk of the Privy Council as to the Scheme for the “ Belfast Natural History and Philosophical Society ” were considered, and a letter, as drafted, was directed to be sent to Messrs. L'Estrange and Brett, Solicitors for the Governors.

The Commissioners adjourned.

GERALD MOLLOY,

March 30, 1892.

N. D. Murphy, Secretary.

March 30, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present.—Lord Justice FITZGERSON, Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

The minutes of the preceding meeting were read and confirmed.

Letters read :—

Rev. G. Moody (March 29), as to property belonging to the Congregation of Descranna.

H. Rankin (Feb. 29), as to Scheme for the Sabbath School Society.

Rev. H. Murphy (March 29), asking for a “ New Form of Return.”

Replies, as drafted, ordered to be sent.

Letters also read :—

Rev. J. G. Carleton (March 28), as to “ Pleasant Asylum.”

The Right Rev. W. F. Walsh (March 28), applying for a copy of the Scheme for the Parochial Schools of the Diocese of Leighlin.

Alex. Black (March 29), as to the “ McClintock Endowments,” Presbytery of Derry.

The question as to the Exhibitions connected with the Viscount Limerick Endowment, Dundalk, was considered, and it was agreed that these Exhibitions should be open to all pupils receiving their education in the Dundalk District.

The principles on which a Scheme should be prepared for the Mount Sandford Endowment, Castlebar, were considered and agreed upon.

The letter of Sir W. B. Kaye (March 16), as to the Scheme for the Carysfort Royal School Endowment was considered, and the provisions of the Scheme were amended.

The Commissioners adjourned.

WILLIAM O'BRIEN,

April 1, 1892.

N. D. Murphy, Secretary.

March 31, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present.—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

A letter (March 10), from Mr. Wm. Edward Ellis, LL.B., addressed to the Judicial Commissioners, resigning the office of Secretary to the Commission, was read, and it was resolved :—

That Mr. William Edward Ellis, LL.B., having left the service of the Commissioners as his appointment to an Auditorship of the Local Government Board, they wish to place on record their entire satisfaction with the manner in which he discharged his duties from the founding of the Commission to the date of his resignation.

Letters read :—

Rev. J. Finlay (March 30), as to the Scheme for the Parochial Schools of the Diocese of Leighlin.

W. J. Scott (March 29), as to the Scheme for the Parochial Schools of the Dioceses of Down and Connor and Downpatrick.

Replies, as drafted, ordered to be sent.

Letters also read :—

- Rev. J. H. Monahan (March 28), as to the Dublin Protestant Reformatory Schools.
 J. Corley (March 30), as to cost of publication of the Draft Scheme for the Castel
 Corporation School Endowments.
 Rev. P. Farrelly (March 30), as to Ballymoney Infant Schools.
 D. M. Shaw (March 30), as to Anahilt Endowed School.
 G. Larkin (March 30), as to Parochial Schools of the Diocese of Tuam.
 Wm. Wright (March 30), as to Lismore Endowed School.

A letter, as drafted, was ordered to be written to G. R. Armstrong, Agent and Registrar, King's Hospital, Blackhall Place.

The circumstances of the Endowments of Ballintoy School was considered.

The Commissioners adjourned.

WILLIAM O'BRIEN,

April 1, 1892.

N. D. Murphy, Secretary.

April 1, 1892.

Meeting of the Commission held this day at the Office, 33, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBSON, Mr Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of three of the preceding meetings were read and confirmed.

A letter was read from A. Nelson (March 31), as to the Annagh Church Schools.

Reply, as drafted, ordered to be sent.

The List ordered to be prepared on March 16, as to the Endowments not yet dealt with by the Commission, was ordered to be printed, corrected up to date.

The Secretary was directed to write to Lord Bath's solicitor as to Carrickmacross Grammar School.

It was decided that a Scheme should be prepared for the Endowments belonging to the Congregation of First Derry.

The Commissioners adjourned.

WILLIAM O'BRIEN,

April 2, 1892.

N. D. Murphy, Secretary.

April 2, 1892.

Meeting of the Commission held this day at the Office, 33, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBSON, Mr Justice O'BRIEN, Monsignor MOLLOY, Professor DOUGHERTY.

Minutes of the preceding meeting were read and confirmed.

Letters read :—

- Messrs. Fox and Son (April 1), as to Kilkenny Subscription School.
 Rev. J. Murphy (March 31), as to the Lyness Bequest.

Professor Dougherty submitted a Draft Report on the subject of Audit of Accounts under Schemes; and it was agreed :—

That Lord Justice FitzGibbon and Professor Dougherty should confer on the subject.

A letter from the Under Secretary, Dublin Castle, dated February 3, on the question of Inspection of Schools, was considered, and referred to the Judicial Commissioners.

The Commissioners adjourned.

GERALD FITZGIBSON,

April 7, 1892.

N. D. Murphy, Secretary.

April 6, 1892.

Stated Attendance of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY.

A letter was read from D. Donaghy (April 1), as to the Crumlin Bequest.
Reply, as drafted, ordered to be sent.

Letters also read :—

- Rev. William Warburton (April 2), as to Bishop Hodson's Grammar School.
- J. Lyons (April 2), as to Abbey Street National School, Armagh.
- A. Gurth (April 4), as to the funds of the Ballymena Academy. The Secretary was ordered to make a special Report to the Treasury on the matter.
- A. Nelson (April 4), as to the Armagh Church Schools.
- A. Nelson (April 5), as to the Armagh Church Schools.
- Rev. T. Haro (April 4), as to Kilkenny Subscription School.
- Rev. B. H. Rogers (April 4), as to Kilkenny Subscription School.
- Rev. J. H. Murphy (April 4), as to the Presbytery of Cork.
- Rev. J. H. Murphy (April 5), as to the Presbytery of Cork.
- Rev. H. M. Butler (April 5), as to the Presbytery of Limerick.
- C. McNeill (April 5), as to Ballinacorney Schoolhouse.
- Rev. G. R. Wynne (April 5), as to the Scheme for the Parochial Schools of the United Diocese of Ardfert and Aghadoe.

GERALD FITZGERSON,

April 7, 1892.

N. D. Murphy, Secretary.

April 7, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the meeting held on April 2, and of the Stated Attendance held on April 6, were read and confirmed.

Letters read :—

- G. R. Armstrong (April 5), as to the King's Hospital, Blackhall Place.
- R. H. Orr (April 6), applying for a Scheme to be drafted for the Belfast Hospital for Sick Children.

Replies, as drafted, ordered to be sent.

A letter was also read from A. H. Sumner (April 6), as to the Presbytery of Cork.

Certain questions as to Ballinacorney Schoolhouse were considered.

The Draft Scheme for the Erasmus Smith Endowments was considered.

The Scheme for the Viscount Limerick Endowment, Dundalk, was brought up, considered, and approved.

The Commissioners adjourned.

GERALD FITZGERSON,

April 8, 1892.

N. D. Murphy, Secretary.

April 8, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

The minutes of the preceding meeting were read and confirmed.

The Scheme for the Erasmus Smith Endowments was further considered; and with regard to Clause 23, the following Resolution was proposed by Monsignor Molloy :—

That the Exhibitions be awarded by the Governors to the six Students from the Schools who shall have obtained the highest places in the Senior Grade of the Intermediate Examinations; provided that no Exhibition shall be awarded to any pupil who shall not have obtained either an Exhibition or a Prize in the Senior Grade, or retained an Exhibition gained in a Lower Grade.

The following amendment was proposed by Lord Justice FitzGibbon :—

That University Exhibitions, not exceeding six in number, and not exceeding £40 each, tenable for two years, be provided for the most deserving pupils of the Schools desiring to enter the Universities of Ireland; the Exhibitions to be awarded upon the results of the Examinations for Entrance Exhibitions or Entrance Scholarships, in the University of Dublin, the Royal University of Ireland, and any other University for the time being established in Ireland, subject to such provisions as may be necessary to secure sufficient merit being shown—and that the holders shall satisfactorily prosecute their University Studies.

For the amendment voted :—

Lord Justice FitzGibbon, Dr. Traill.

Against the amendment voted :—

Mr. Justice O'Brien, Monsignor Molloy, Professor Dougherty.

The amendment was lost.

For the original resolution voted :—

Mr. Justice O'Brien, Monsignor Molloy, Professor Dougherty.

Against the original resolution voted :—

Lord Justice FitzGibbon, Dr. Traill.

The original resolution was carried.

The Commissioners adjourned.

WILLIAM O'BRIEN,
April 9, 1892.

N. D. Murphy, Secretary.

April 9, 1892.

Meeting of the Commission held this day at the Office, 33, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY, Professor DOUGHERTY.

The minutes of the preceding meeting were read and confirmed.

A letter was read from Rev. S. Johnston (April 8), as to the Scheme for the Parochial Schools of the Diocese of Tuam.

Reply, as drafted, ordered to be sent.

The revised Scheme for the Caryfort Royal School Endowment was considered and amended.

The Draft Scheme for the Erasmus Smith Endowments was further considered.

The Commissioners adjourned.

GERALD FITZGIBBON,
April 11, 1892.

N. D. Murphy, Secretary.

April 11, 1892.

Meeting of the Commission held this day at the Office, 33, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY, Professor DOUGHERTY.

Minutes of the preceding meeting were read and confirmed.

The Draft Scheme for the Erasmus Smith Endowments was further considered.

The question as to dealing with Ballintoy Schoolhouse in a Scheme was considered.

The revised Scheme for the Leamy Endowment was considered and amended; and the Secretary was directed to write, in terms as drafted, to the Secretary of the Governors, and the Head Master of Leamy's Free Schools.

The Commissioners adjourned.

GERALD FITZGIBBON,
April 12, 1892.

N. D. Murphy, Secretary.

April 12, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERSON, Monsignor MOLLOY, Professor DOUGHERTY.

Minutes of the preceding meeting were read and confirmed.

Letters read:—

The Secretary, Civil Service Commission (April 11), as to Mr. Leslie J. Gill.
C. Ambrose (April 11), as to Kilmartin Schoolhouse, Co. Waterford.

Replies, as drafted, ordered to be sent.

Letters also read:—

Rev. W. C. Steele (April 11), as to Hillsborough Presbyterian Church property.
Messrs. L'Estrange and Beeth (April 11), as to the Scheme for the Belfast Natural History and Philosophical Society.
Rev. T. M. Benson (April 11), as to Church Street National School, Ballymoney.
Rev. H. Murphy (April 11), as to Lord Ashton's School, Clonsilla.

The Memorandum prepared by Professor Dougherty on the Audit of Accounts, under Scheme framed by the Commission, was considered and amended.

The Commissioners adjourned.

WILLIAM O'BRIEN,
April 13, 1892.

N. D. Murphy, Secretary.

April 13, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Monsignor MOLLOY, Professor DOUGHERTY.

Minutes of the preceding meeting were read and confirmed.

A letter was read from T. Laffan (April 12), as to the Cashel Corporation School Endowment.

Reply, as drafted, ordered to be sent.

Letters also read:—

Rev. Wm. Matchette (April 12), as to Ballintoy School.
Ven. M. T. De Bugh (April 12), as to the Wolfe Endowment, Johnstown, Nass.

The revised Scheme for the Carysfort Royal School Endowment was considered.
The Scheme for the Kilkenny Subscription School was considered and amended.
The Commissioners adjourned.

J. B. DOUGHERTY,
April 20, 1892.

N. D. Murphy, Secretary.

April 20, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Monsignor MOLLOY,
Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting were read and confirmed.

Letters read from:—

Rev. R. Irwin (April 14), requesting that a Scheme might be drafted for the Presbytery of Abeghill.
Rev. J. H. Murphy (April 15), as to the Scheme for the Presbytery of Cork.
Rev. W. J. Lewis (April 15), as to Strand Road Church, Presbytery of Derry.
J. J. Moody (April 14), as to the Coleraine Academic Institution.

Replies, as drafted, ordered to be sent.

Letters also read:—

Rev. T. S. Graham (April 15), as to Scheme for the Presbytery of Cumber.
Rev. F. Bourke (April 13), as to Bishop Hodson's Grammar School.
W. W. Mercer (April 13), giving dates of appointments of the Staff of Leamy's Free Schools.

The revised Scheme for the Leamy Endowment was considered.
The Scheme for the Erasmus Smith Endowments was considered and amended.
The Commissioners adjourned.

WILLIAM O'BRIEN,
April 22, 1892.

N. D. Murphy, Secretary.

April 22, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Monsignor MOLLOY,
Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting were read and confirmed.

Letters read from :—

G. B. Armstrong (April 21), as to the King's Hospital, Blackhall Place.

T. T. L. Overend (April 20), as to Ulrich Psal's Endowment.

Replies, as drafted, ordered to be sent.

A letter was also read from Rev. J. M. Rogers (April 20), as to the Presbytery of Derry.

The Scheme for the Sandford Endowment, Castleroa, was considered.

The revised Scheme for the Leamy Endowment was further considered.

The Commissioners adjourned.

ANTHONY TRAILL,

April 23, 1892.

N. D. Murphy, Secretary.

April 23, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Monsignor MOLLOY,
Dr. TRAILL, Professor DOUGHERTY.

The minutes of the preceding meeting were read and confirmed.

The Scheme for the Sandford Endowment, Castleroa, was further considered and passed.

The Schemes for the following Endowments were considered and passed, and ordered to be brought up marked "Final" :—

The Oramie Endowment.

The Kilkenny Subscription School.

The First Presbyterian Congregation, Londonderry.

Certain questions connected with the Pembroke Technical School Endowment were considered.

The Commissioners adjourned.

GERALD MOLLOY,

April 27, 1892.

N. D. Murphy, Secretary.

April 27, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL.

Minutes of the preceding meeting were read and confirmed.

A "Form of Return" (April 23), with reference to Clonsilla School, was read from Mr. P. C. Trench; and a reply, as drafted, ordered to be sent.

Letters read :—

Rev. T. M. Hamill (April 22), as to the Presbytery of Down.

B. H. Orr (April 26), as to the Belfast Hospital for Sick Children.

Replies, as drafted, ordered to be sent.

Letters also read :—

J. Poe (April 26), as to the Evans Charity, Kilkenny.

Messrs. F. and K. Reid (April 26), as to the Presbytery of First Derry.

The Secretary was directed to write, in terms as drafted, to Mr. Fane Vernon, as to the Pembroke Technical School Endowment.

The Commissioners adjourned.

ANTHONY TRAILL,

April 28, 1892.

N. D. Murphy, Secretary.

April 29, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL.

Minutes of the preceding meeting were read and confirmed.

A letter was read from T. Acton (April 28), as to the Carysfort Royal School Endowment.

Reply, as drafted, ordered to be sent.

An "Objection" from some of the Parishioners of Kilmacogue as to the Draft Scheme for the Kilmacogue School and Perceval Endowment, County Kildare, was reported.

Certain questions in connection with the Erasmus Smith Scheme were considered.

The Commissioners adjourned.

J. B. DOUGHERTY,

April 30, 1892.

N. D. Murphy, Secretary.

April 30, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting were read and confirmed.

The answer to the Parliamentary question (April 29) relating to the Erasmus Smith Endowments was agreed to.

Letters read from:—

Fans Vernon (April 29), as to the Pembroke Endowment for Technical Education.

Rev. J. D. M'Brade (April 29), as to the Priory of Derry.

Rev. G. Garrett (April 29), as to the Kilmacogue School and Perceval Endowment, County Kildare.

Sergeon Wheeler (April 29), as to the Kilmacogue School and Perceval Endowment, County Kildare.

Replies, as drafted, ordered to be sent.

A letter was also read from J. R. Donaldson (April 29), as to the Scheme for Viscount Limerick's Endowment, Dundalk.

The Memorandum, to accompany the Scheme for the Erasmus Smith Endowments, was submitted by Professor Dougherty and considered.

The revised Scheme for the Lenny Endowment was further considered.

The Commissioners adjourned.

GERALD MOLLOY,

May 2, 1892.

N. D. Murphy, Secretary.

May 2, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Monsignor MOLLOY, Professor DOUGHERTY.

Minutes of the preceding meeting were read and confirmed.

A letter (April 30), was read from Mr. A. F. Graves, as to the Register of Fishermen in connection with the Pembroke Technical School.

Reply, as drafted, ordered to be sent.

The following "Consents" were reported:—

Messrs. Gilson and Browne (April 28), as to the Gilson Bequest, Presbytery of Ards.

Rev. R. T. Maguire (April 27), as to the Purke Bequest, Presbytery of Ards.

Certain questions with regard to the Erasmus Smith Scheme were considered.

The Commissioners adjourned.

GERALD FITZGIBBON,

May 3, 1892.

N. D. Murphy, Secretary.

May 3, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Monsignor MOLLOY, Professor DOUGHERTY.

Minutes of the preceding meeting were read and confirmed.

The revised Schemes for the Leamy Endowment, Limerick, and the Limerick Endowment for Technical Education were considered, and finally agreed to.

The Scheme for the Erasmus Smith Endowments was further considered.

The Commissioners adjourned.

GERALD FITZGERSON,

May 4, 1892.

N. D. Murphy, Secretary.

May 4, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Monsignor MOLLOY, Professor DOUGHERTY.

Minutes of the preceding meeting were read and confirmed.

Letters read :—

The Registrar, Chief Secretary's Office (May 3), as to the Parochial Schools of the United Parishes of St. Nicholas Without, and St. Luke, Dublin.

Rev. J. Lindsay Darling (May 3), as to the Southwell Endowed School, Kinsale.

Replies, as drafted, ordered to be sent.

A letter (May 3) was read from Mr. Manly, Secretary, Pembroke Township, addressed to Monsignor Molloy, as to the Pembroke Technical School.

Certain questions with regard to the Southwell Endowment, Kinsale, and the Lyons Endowment, Loughrea, were considered.

The Commissioners adjourned.

ANTHONY TRAILL,

May 10, 1892.

N. D. Murphy, Secretary.

May 6, 1892.

Meeting of the Commission, held this day at the Office, 23, Nassau Street, Dublin.

Present :—Mr. Justice O'BRIEN, Monsignor MOLLOY, Professor DOUGHERTY.

Letters were read from :—

Most Rev. Dr. Dwyer (May 5), with regard to the three Schemes for the Limerick Endowments.

A. F. Graves (May 5), as to the proposed Governing Body for the Pembroke Technical School.

M. Tempest (May 5), as to Public Meetings held in Dandalk.

Replies, as drafted, ordered to be sent.

The Commissioners adjourned.

ANTHONY TRAILL,

May 10, 1892.

N. D. Murphy, Secretary.

May 7, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

The Draft Scheme for the Erasmus Smith Endowments and the Memorandum to accompany the Scheme were further considered and amended.

The Commissioners adjourned.

ANTHONY TRAILL,

May 10, 1892.

N. D. Murphy, Secretary.

May 10, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the three preceding meetings were read and confirmed.

Letters read:—

Rev. P. C. Burke (May 6), objecting to Draft Scheme for the Viscount Limerick Endowment, Dundalk.

Rev. P. Smyth, S.F. (May 7), objecting to the Draft Scheme for the Viscount Limerick Endowment, Dundalk.

J. H. Wharton (May 7), enclosing Resolution of the General Synod of the Church of Ireland as to the Charlton Charity.

Rev. C. K. Toland (May 7), as to the Presbytery of Strabane.

Secretaries, Commissioners of Charitable Donations and Bequests (May 6), as to the Crusade Endowment.

F. C. Trench (May 6), as to Clonsilla School.

Replies, as drafted, ordered to be sent.

A letter was also read from Rev. J. M. McIlmuth (May 7), enclosing "Consents" in connection with the Scheme for the Presbytery of Dromore.

Monsignor Molloy submitted his "Observations" on the Draft Scheme for the Erasmus Smith Endowments.

The Draft Scheme for the Erasmus Smith Endowments was finally considered and ordered to be printed.

The Commission adjourned.

GERALD MOLLOY,

May 11, 1892.

N. D. Murphy, Secretary.

May 11, 1892

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting were read and confirmed.

A letter (May 9) from the Under Secretary, Dublin Castle, with enclosures on the subject of School Inspection was brought up and considered, and the matter was referred to Monsignor Molloy.

The memorandum to accompany the Draft Scheme for the Erasmus Smith Endowment was further considered.

The Draft Scheme for the following Endowments were ordered to be published on May 14, 1892; the usual instruction as to publication being given:—

No. 136.—"The Sandford Endowment, Oxtelore," in the County of Roscommon.

No. 144.—"The Erasmus Smith Endowments."

No. 145.—"The Crusade Endowment, Ballymossy."

No. 146.—"The Endowments of and belonging to the First Derry Presbyterian Church, in the City of Londonderry."

No. 147.—"The Parochial Schools of the United Dioceses of Dublin, Glendalough, and Kildare."

No. 148.—"The Kilkenny Subscription School."

The Commission adjourned.

J. B. DOUGHERTY,

May 12, 1892.

N. D. Murphy, Secretary

May 12, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERBON, Mr. Justice O'SHEEN, Monsignor MOLLOY,
Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting were read and confirmed.

Letters read :—

Rev. W. M. Morgan (May 11), as to Draft Scheme for Parochial Schools of the Diocese of Armagh.

W. M. Mercer (May 10), as to the Lenny Endowment, Limerick.

Rev. J. Gibson (May 11), addressed to Professor Dougherty, objecting to Crenkell National School being included in the Scheme for the Dioceses of Down and Connor and Down.

Replies, as drafted, ordered to be sent.

Dr. Traill submitted his "Protest" against the Draft Scheme for the Erasmus Smith Endowments, and it was ordered to be printed.

The Supplemental Scheme for the Southwell Endowment, Kinsale, was considered, as revised, and passed.

The Commissioners adjourned.

ANTHONY TRAILL,

May 18, 1892.

M. D. Murphy, Secretary.

May 18, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present Monsignor MOLLOY, Dr. TRAILL.

Minutes of the preceding meeting were read and confirmed.

Letters read :—

Rev. T. Hood (May 17), as to the Mungret College, Limerick.

Rev. J. H. Murphy (May 17), as to the Presbytery of Cork.

J. Manly (May 12), as to the Governing Body of the Pembroke Technical School.

Rev. C. K. Toland (May 14), as to the Presbytery of Sturabana.

Replies, as drafted, ordered to be sent.

Letters also read :—

The Under Secretary, Dublin Castle (May 11), enclosing Treasury decision re the staff of the Commission.

G. B. Armstrong (May 10), as to King's Hospital, Gormanstown.

Rev. D. Kelly (May 10), as to the Scheme for the Erasmus Smith Endowments.

G. Smyth (May 10), as to Scheme for the Belfast Library and Society for Promoting Knowledge.

G. McNeill (May 10), as to Brown Street Sunday and Daily Schools, Belfast.

Numerous applications for copies of the Draft Scheme dealing with the Erasmus Smith Endowments were reported.

The Commissioners adjourned.

GERALD MOLLOY,

May 20, 1892.

N. D. Murphy, Secretary.

May 20, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting were read and confirmed.

Letters read :—

M. R. Fitt (May 19), as to sale of the Roxboro' Road School, Limerick.

F. M. McCarthy (May 19), as to sale of the Roxboro' Road School, Limerick.

Replies, as drafted, ordered to be sent.

Letters also read :—

G. B. Armstrong (May 19), as to King's Hospital, Blackhall Place.

B. Macintosh (May 19), applying for copy of the Erasmus Smith Scheme.

Rev. S. E. Cooney (May 19), applying for copy of the Erasmus Smith Scheme.

The Secretary was directed to write, in terms as drafted, to the Honorary Secretary, Provisional Committee of the Pembroke Technical School, as to the constitution of the Governing Body of the School.

The Commissioners adjourned.

J. B. DOUGHERTY,

May 21, 1892.

N. D. Murphy, Secretary.

May 21, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting were read and confirmed.

A letter was read from Rev. V. Byrne (May 20), applying for copy of evidence as to Mungret School, Limerick.

Reply, as drafted, ordered to be sent.

Letters also read:—

H. Thompson (May 20), as to Corinsliffe School, Diocese of Armagh.

Rev. C. K. Irwin (May 20), applying for copy of the Erasmus Smith Scheme.

Rev. J. A. Crawford (May 20), applying for copy of the Erasmus Smith Scheme.

Miss Harvold (May 20), drawing attention to alleged inaccuracy in the Scheme for the Leamy Endowment.

The present condition of the Draft Schemes, fixed for publication on June 30, was considered.

The Commissioners adjourned.

ANTHONY TRAILL,

May 28, 1892.

N. D. Murphy, Secretary.

May 24, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Letters read:—

A. Clements (May 20), as to Arrahitt Endowed School.

Rev. W. Winkerton (May 23), applying for copy of Evidence as to Bishop Holston's Grammar School, Elphin.

W. H. Stone (May 21), as to Kilmore Parochial School.

Replies, as drafted, ordered to be sent.

Letters also read:—

W. P. Chapman (May 23), applying for copy of Erasmus Smith Scheme.

Hugh Banks (May 23), sending cost of publication of Draft Scheme for the Sabbath School Society for Ireland.

The Secretary was directed to write, in terms as drafted, subject to the approval of Lord Justice FitzGibbon, to the Registrar, King's Hospital, Blackhall Place.

The Commissioners adjourned.

ANTHONY TRAILL,

May 28, 1892.

N. D. Murphy, Secretary.

May 27, 1892.

Stated Attendance of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Dr. TRAILL.

Letters read:—

W. Carey, *Leinster Express* (May 24), as to advertisements.

Rev. W. Matchette (May 24), as to Ballintoy School.

J. McKay (May 24), addressed to Dr. Traill, as to Ballintoy School.

Carey, Holland, and Curry (May 25), addressed to Dr. Traill, as to Ballintoy School.

Rev. G. R. Wynne (May 25), as to Scheme for United Diocese of Arifert and Aghadoc.

Replies, as drafted, ordered to be sent.

Letters also read:—

Rev. J. P. Lynch (May 26), and the President, Queen's College, Belfast (May 25), applying for copies of the Erasmus Smith Scheme.

ANTHONY TRAILL,

May 28, 1892.

N. D. Murphy, Secretary.

May 23, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL.

Minutes of the two preceding meetings and the Stated Attendance were read and confirmed.

The correspondence as to Ballintoy School, County Antrim, was considered, and it was agreed that the heads of a Scheme for the Endowment should be submitted at the next meeting.

The correspondence relating to Drumod School, County Leitrim, and to the Diocesan Seminary of the Diocese of Clonfert was also considered.

The Commissioners adjourned.

GERALD MOLLOY,

June 1, 1892.

N. D. Murphy, Secretary

June 1, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERARD, Monsignor MOLLOY, Dr. TRAILL.

Minutes of the preceding meeting were read and confirmed.

The Secretary reported an interview which he had with the Assignees of the Lease of the House No. 23, Nassau Street, and a letter, as drafted, was ordered to be sent to the Secretary to the Board of Works, as to providing office accommodation for the Commission.

The letter, previously drafted, to Mr. G. R. Armstrong as to King's Hospital, Blackhall Place, was considered, amended, and ordered to be sent.

A letter, as drafted, was ordered to be sent to the Most Rev. Dr. Healy as to Clonfert Diocesan Seminary.

The heads of a Draft Scheme for Ballintoy School, County Antrim, were submitted and approved.

Letters read :—

J. Colborn (May 21), as to advertisements in the *Derry Sentinel*.

A. Harkin (May 27), as to Glensara Church Schools.

Replies, as drafted, ordered to be sent.

Letters also read :—

The Editor, *Lisak News* (May 31), as to communications for the Press.

J. Finsie (May 30), as to Drogheda BMS School.

Ven. Archbishop Wynne (May 31), as to Killorglin School.

Rev. G. McCutchan (May 30), as to "Consents" for Draft Scheme for United Diocese of Ardfer and Aghadoe.

A statement from the Protestant Community of Dundalk, objecting to the Draft Scheme for the Viscount Limerick Endowment, was read.

The Commissioners adjourned.

GERALD MOLLOY,

June 3, 1892.

N. D. Murphy, Secretary.

June 3, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLAY, Dr. TRAILL.

Minutes of the preceding meeting were read and confirmed.

Certain questions with regard to the Hibernian Military School and the Pembroke Technical School were considered.

Letters read:—

Rev. H. K. Moore (June 1), as to the Erasmus Smith Endowments.

Rev. J. H. Murphy (June 1), as to the Schedule of the Scheme for the Presbytery of Cork.

D. Morgan (June 2), applying for copy of the Draft Scheme for the Parochial Schools of the United Dioceses of Dublin, Glendalough, and Kildare.

T. M. Greer (June 2), as to the Cruise Bequest, Rallymorey.

It was decided that the heads of a Draft Scheme for the St. Leger Aldworth Endowment should be submitted on Friday, June 10th.

The Commissioners adjourned.

J. B. DOUGHERTY,

June 3, 1892.

N. D. Murphy, Secretary.

June 8, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting were read and confirmed.

Letters read:—

Rev. A. Rogers (June 3), as to a pamphlet produced by him, before the Commission.

T. Greene (Representative Church Body (June 3), as to the Draft Scheme for the Parochial Schools of the United Dioceses of Dublin, Glendalough, and Kildare.

P. Connolly (June 7) as to Forms of Petition to be presented to the Privy Council.

Replies, as drafted, ordered to be sent.

Letters also read:—

Rev. J. Byrne (June 4), J. A. Douglas (June 4), R. H. Dunne (June 7), as to Draft Scheme for the United Dioceses of Dublin, Glendalough, and Kildare.

G. R. Armstrong (June 7), as to King's Hospital, Blackhall Place.

The Secretaries, Commissioners of Charitable Donations and Bequests, as to the Schemes dealing with the Parochial Schools of the City of Cork, and the Sandford Endowment, Castlemore.

The following list of Schemes was set down for publication on June 30, 1892:—

- The Drogheda Ethn School.
- The Pembroke Technical School.
- The Raphos Presbytery.
- The Irish Clergy Daughters School.
- The Dublin Female Reformatory.
- The Coleraine Presbytery.
- The Warren Endowment, Dromed.
- The Aldworth Endowment, Newmarket, County Cork.
- The Ballinacorney School Endowment.
- The Rathfriland Township Sunday and Daily Schools.

The Commissioners adjourned.

ANTHONY TRAILL,

June 10, 1892.

N. D. Murphy, Secretary.

June 10, 1892.

Meeting of the Commission held this day at the Office, 25, Nassau Street, Dublin.

Present:—Monsieur MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting were read and confirmed.

Letters read:—

Rev. Dr. Hamilton (June 8), applying for a copy of the Scheme for the Erasmus Smith Endowment.

A. Graham (June 9), as to the proposed Governing Body of the Pembroke Technical School.

Rev. S. F. Dudley-James (June 8), as to Glenasmole Parochial School.

It was agreed that a Scheme should be prepared for the Glenasmole Parochial School.

The circumstances of the Jeffers' Endowment, Tralee, were further considered, and it was agreed that the question of holding a Public Inquiry should be brought up at a full meeting of the Commission.

The Commissioners adjourned.

WILLIAM O'BRIEN,

June 11, 1892.

N. D. Murphy, Secretary.

June 11, 1892.

Meeting of the Commission held this day at the Office, 25, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Monsieur MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting were read and confirmed.

A letter was read from Mr. D. Dempsey (June 4), objecting to the Draft Scheme for the Canisius Endowment, Ballymaney.

The communication from Mr. Greene, Secretary, Representative Church Body, as to the Parochial Schools of the United Dioceses of Dublin, Glendalough, and Kildare, was further considered; the answer to his query as to the legal effect of the Scheme being subject to the approval of Lord Justice FitzGibbon.

The questions reserved by Dr. Molloy, as to the Drogheda Blue School, were brought up and considered, and it was agreed that the Commissioners had not sufficient information to come to a decision on the points.

The Jeffers Endowment, Tralee, was further considered, and the Secretary was directed to write, in terms as drafted, to the Most Rev. Dr. Coffey, Lord Bishop of Kerry, and to the Receiver of Derry on the subject.

A letter, as drafted, was directed to be written to the Town Clerk of Drogheda, as to the Drogheda Blue School.

The Commissioners adjourned.

J. B. DOUGHERTY,

June 15, 1892.

N. D. Murphy, Secretary.

June 15, 1892.

Meeting of the Commission held this day at the Office, 25, Nassau Street, Dublin.

Present:—Monsieur MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting were read and confirmed.

Letters read:—

Rev. G. Tottenham (June 14), as to cost of publication of the Draft Scheme for the Diocese of Glough.

E. Higgs (June 14), as to Clause 16 of the Draft Scheme for the Erasmus Smith Endowment.

Rev. C. J. Graham (June 14), as to Colclough Parochial School.

Replies, as drafted, ordered to be sent.

Also read:—

Most Rev. Dr. Coffey (June 14), as to Public Inquiry in reference to the Jeffers' Endowment.

Secretaries, Commissioners of Charitable Donations and Bequests (June 14), enclosing documents relating to the St. Leger Aldworth Endowment.

Certain questions as to the Draft Scheme for Ballintoy School were considered.

The Commissioners adjourned.

GERALD MOLLOY,

June 17, 1892.

N. D. Murphy, Secretary.

June 17, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY,
Professor DOUGHERTY.

Minutes of the preceding meeting read and confirmed.

Letters read:—

J. J. Murphy (June 16), as to Smeva Schoolhouse, Diocese of Down.

T. Gordon (June 16), applying for a copy of the Scheme for the Erasmus Smith Endowments.

J. C. Neligan (June 16), as to the Jeffers' Endowment, Tralee.

Rev. P. Farrelly (June 16), as to the Owens Bequest, Ballymoney.

Most Rev. Dr. Healy (June 11), enclosing statement as to the proposed Scheme for the Diocesan Seminary of Clonfert.

The Draft Scheme for the Presbytery of Raphoe was brought up, considered, and passed.

Certain questions as to the Cork Street Schools were considered.

The Draft Scheme for the Rathmines Township Sunday and Daily Schools was considered, and instructions given thereon.

The Commissioners adjourned.

ANTHONY TRAILL,

June 22, 1892.

N. D. Murphy, Secretary.

June 18, 1892.

Stated Attendance of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY.

Letters read:—

Rev. S. O. Michel (June 17), asking for copies and cost of Scheme for the Presbytery of Clonfert.

Rev. T. Brown (June 16), asking that the documents relating to Mungret Male National School might be returned.

Replies, as drafted, ordered to be sent.

Letters also read:—

J. H. Wharton (June 16), enclosing Resolution of the Standing Committee of the General Synod of the Church of Ireland, as to the Draft Scheme for the Erasmus Smith Endowments.

O. G. Tolkenken (June 17), as to Killisnoy School, Diocese of Glendalough.

ANTHONY TRAILL,

June 22, 1892.

N. D. Murphy, Secretary.

June 22, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the previous meeting and Stated Attendance were read and confirmed.

Letters read:—

A. Johnston, Hon. Treasurer, Rainey School and Saker's Endowment (June 20), sending cost of publication of Scheme.

J. Smith, Secretary, Rathmines Township Schools, as to holding a Public Inquiry.

Rev. J. H. Mcmahon (June 18), } as to the Dublin Female Reformatory Schools.

Rev. R. G. M. Webster (June 18), }

The Secretaries, Commissioners of Charitable Donations and Bequests, as to the Draft Scheme for the Parochial Schools of the United Dioceses of Dublin, Glendalough, and Kildare.

Replies, as drafted, ordered to be sent.

It was agreed that, subject to the approval of Lord Justice FitzGibbon, a shorthand writer should be employed to take a report of the Conference to be held in connection with the Jeffers Endowment.

The Commissioners adjourned.

GERALD MOLLOY,

June 25, 1892.

N. D. Murphy, Secretary.

June 23, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.
Mr. O'Brien, Shorthand Writer, was in attendance.

THE JEFFERS ENDOWMENT, TRALES.

Most Rev. Dr. Coffey, Lord Bishop of Kerry, attended and conferred with the Commissioners.

Dr. Coffey made a statement and was examined.

It was declared :—

That the Act does not apply to this Endowment, except with the consent, in writing, of the Governing Body.

Certain questions connected with the Aldworth Endowment, County Cork, were brought up for consideration, and it was decided that the heads of a Scheme should be submitted on Wednesday, June 29.

Letters read :—

Ven. Archbishop Daly (June 23), as to the Parochial Schools for the Diocese of Clogher.

Rev. J. Allison (June 21), as to the Carrickfergus Presbytery.

Messrs. H. T. Dix and Sons (June 21), as to "Arklow Schools."

The Secretaries, Commissioners of National Education (June 23), as to the Scheme for the Lincolnton Endowment for Technical Education.

Replies, as drafted, ordered to be sent.

The Commissioners adjourned.

GERALD MOLLOY,

June 23, 1892.

N. D. Murphy, Secretary.

June 24, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL.

The Draft Scheme for the Pembroke Technical School was considered, amended, passed, and ordered to be brought up marked "Final."

The Commissioners adjourned.

GERALD MOLLOY,

June 25, 1892.

N. D. Murphy, Secretary.

June 25, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL.

Minutes of the three preceding meetings read and confirmed.

Letters read :—

The Earl of Pembroke (June 23), as to site for Pembroke Technical School.

Rev. A. Gibson (June 23), as to the Presbytery of Ballymore.

J. Thompson (June 23), sending objections to the Scheme for the Erasmus Smith Endowments.

Rev. G. Tottenham (June 24), enclosing cost of publication of Draft Scheme for the Diocese of Clogher.

The Secretaries, Commissioners of National Education (June 24), asking for copy of evidence as to Bellintoy School.

Replies, as drafted, ordered to be sent.

The Draft Scheme for Bellintoy School, was considered, amended, and passed, and ordered to be brought up marked "Final."

The Draft Scheme for the Presbytery of Raphoe was also ordered to be brought up marked "Final."

The Commissioners adjourned.

WILLIAM O'BRIEN,

June 29, 1892.

N. D. Murphy Secretary.

June 29, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY.

Minutes of the preceding meeting read and confirmed.

Letters read:—

The Secretary, Science and Art Department (June 23), as to Local Commissions and Teachers.

P. Kenney (June 23), as to "Love's Charity."

W. M. Bessechamp (June 24), as to Schemes for the Leamy Endowment and Roxboro' Road School.

Rev. R. McMorris (June 23), as to Letterkenney Presbytery.

T. Greene, Secretary, Representative Church Body (June 23), as to the Schedule to the Scheme for the United Dioceses of Dublin, Glendalough, and Kildare.

Messrs. Carleton, Ashburn, and Shean (June 23), as to Scheme for the Parochial Schools of the Diocese of Armagh.

The following Schemes were finally considered and passed, subject to revision by Lord Justice FitzGibbon:—

1. The Penbrooke Technical School.
2. The Ballintoy Parochial School.
3. The Drogheda Miss School.
4. The Raphoe Presbytery.
5. The Dublin Female Reformatory School.

The Commissioners adjourned.

ANTHONY TRAILL,

July 9, 1892.

N. D. Murphy, Secretary.

July 1, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL.

A letter was read from the Rev. C. J. Hinkson (June 29), as to the Carysfort Royal School Endowment.

Reply, as drafted, ordered to be sent.

A letter was also read from T. McKiderry (June 28), expressing his approval, and that of Messrs. Megaw and Cochrane, of the Draft Scheme for the Cranmoe Bequest.

A Draft of the Circular drawn up for the information of those desirous of obtaining a Scheme creating a Corporate Body to administer Diocesan Endowments was considered, amended, and ordered to be printed in its corrected form.

The Commissioners adjourned.

ANTHONY TRAILL,

July 9, 1892.

N. D. Murphy, Secretary.

July 2, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL.

A letter was read from Mr. J. J. Murphy (June 29), enclosing a copy of the Report of the Synod of the Diocese of Down and Connor and Dromore.

A letter, as drafted, was ordered to be sent to Mr. Bland, in connection with Stoneyford National School, Diocese of Connor.

It was decided that the following list of Schemes should be prepared for publication in August:—

1. The Incorporated Society Schools.
2. The Clonsilla Diocesan Seminary (Madden Endowment).
3. The Aldworth Endowment, County Cork.
4. The Dromore School, County Leitrim.
5. The Irish Clergy Daughters School.
6. The Coleraine Presbytery.
7. The Letterkenney Presbytery.
8. The Love and Gardiner Charity.

The Commissioners adjourned.

ANTHONY TRAILL,

July 9, 1892.

N. D. Murphy, Secretary.

July 6, 1892.

Stated Attendance of the Commissioners held this day at the Office, 25, Nassau Street, Dublin.

Present:—Monsignor MOLLOY.

Letters read:—

Rev. Canon Wiley (July 4), as to the Scheme for the Parochial Schools of the Dioceses of Kildale and Achery.

Rev. William Mitchem (July 4), as to the Draft Scheme for Ballinacoy School.

C. F. Heils (July 3), as to the Scheme for Anna Hall's Endowments.

Replies, as drafted, ordered to be sent.

Letters also read:—

The Secretary, Commissioners of Education in Ireland (July 5), as to the Ulster Royal Schools.

F. L. Capron (July 4), as to Stonyford National School, Diocese of Cuman.

R. H. Eland (July 4), as to Stonyford National School, Diocese of Cuman.

R. McIntosh (July 3), as to the Scheme for the Erasmus Smith Endowments.

Rev. Canon Wiley (July 4), addressed to the Assistant Commissioners, Intermediate Education Board, as to the Scheme for the Diocese of Kildale and Achery.

W. J. De Vero (July 4), enclosing cost of publication of the Draft Scheme for the O'Connell Schools, 400 copies.

SEYMOUR TRAILL,

July 9, 1892.

N. D. Murphy, Secretary.

July 9, 1892.

Meeting of the Commissioners held this day at the Office, 25, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL.

Minutes of the three preceding meetings and the Stated Attendance were read and confirmed.

Letters read:—

R. Perdon (July 8), objecting to the Draft Scheme for the Erasmus Smith Endowments.

Rev. S. A. Brown (July 6), as to expenses incurred attending the Public Inquiry at Ballyvaughan.

J. Eon (July 7), as to the period within which objections will be received to the Draft Scheme for the Kilkenny Subscription School.

Replies, as drafted, ordered to be sent.

Letter also read from Most Rev. Dr. Healy (July 7), sending particulars as to St. Brendan's Seminary, Loughrea.

It was provisionally agreed that meetings of the Commission should be held every day from August 1, to the commencement of the vacation, with a view to completing the launch of Schemes set down for publication in that month.

The Commissioners adjourned.

H. B. WILSON,

August 1, 1892.

N. D. Murphy, Secretary.

July 15, 1892.

Stated Attendance of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERBON.

The communication from the Science and Art Department (June 23), as to Local Committees and Teachers, was considered, and a reply, as drafted, ordered to be sent.

Letters read:—

F. L. Capron (July 12), as to Stoneyford School, Diocese of Connor.

A. B. Orpen (July 12), asking extension of time for sending in "Consents" to the Scheme for the United Dioceses of Dublin, Glendalough, and Kildare.

Replies, as drafted, ordered to be sent.

The following "Objections" to the Draft Scheme for the Erasmus Smith Endowments were reported:—

Rev. H. Vereker (July 9).

The Mistress and Monitor, Omeath School (July 11).

Rev. B. M. P. Prosser (July 11).

The Governors, Erasmus Smith Board (July 12).

The Governors, King's Hospital, Blackhall Place (July 12).

Rev. J. Hamilton, for the Presbytery of Dublin (July 11).

The Diocesan Synod of Meath.

Rev. D. Humphreys (July 2).

The Provost and Senior Fellows, Trinity College, Dublin (July 11).

H. B. WILSON,

August 1, 1892.

N. D. Murphy, Secretary.

July 20, 1892.

Stated Attendance of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERBON.

A letter from Mr. S. Moore, Assistant Master, Leamy's Free School, Limerick, addressed to Lord Justice FitzGibbon, as to compensation under Clause 25 of the Scheme for the Leamy Endowment, was read, and a reply, as drafted, ordered to be sent.

Letters, as drafted, were also ordered to be sent to:—

Rev. S. F. Dudley-Fenna, as to Glensarm School, County Antrim.

F. L. Capron, as to Stoneyford National School, Diocese of Connor.

Letters read:—

T. Greene, Representative Church Body (July 16), as to the Schedule to the Scheme for the United Dioceses of Dublin, Glendalough, and Kildare.

J. Manly, Pembroke Township (July 11), as to the Governing Body for the Pembroke Technical School.

H. B. WILSON,

August 1, 1892.

N. D. Murphy, Secretary.

July 22, 1892.

Stated Attendance of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERBON.

Letters read:—

Rev. B. M. Guinness (July 21), objecting to the Draft Scheme for the United Dioceses of Dublin, Glendalough, and Kildare.

Rev. T. Murphy (July 18), addressed to the Under Secretary, Dublin Castle, as to the Scheme for Anna Hall's Endowments.

Replies, as drafted, ordered to be sent.

A letter was read from Mr. Porter, Solicitor, enclosing a copy of a Lease, and asking the opinion of the Commissioners thereon.

Instructions were given on the matter.

The receipt of copies of a Surrender and Grant from Mr. F. L. Capron, relating to Stoneyford School, Diocese of Connor, was reported.

H. B. WILSON,

August 1, 1892.

N. D. Murphy, Secretary.

July 23, 1892.

Stated Attendance of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FitzGibbon.

The copies of a Surrender and Grant received from Mr. F. L. Capron, as to Stoneyford National School, Diocese of Connor, was brought up and considered.

A letter was read from Rev. S. C. Mitchell (July 22), as to the Schedule of the Scheme for the Presbytery of Clogher, and a reply, as drafted, was ordered to be sent.

Letters also read :—

F. L. Capron (July 22), as to Postal Order for scrivency expenses.

Very Rev. G. White (July 22), sending cost of publication of the Draft Scheme for the Ouseley Donkey Schools.

Messrs. Dix and Sons (July 21), giving particulars as to Deemed School, County Leitrim.

Objections lodged with the Clerk of the Privy Council, and transmitted by him for the consideration of the Commissioners, as to the Scheme for the Diocese of Kilmore, were reported, and instructions given thereon.

H. B. WILSON,

August 1, 1892.

N. D. Murphy, Secretary.

July 27, 1892.

Stated Attendance of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Dr. Wilson.

Letters read :—

W. J. Carroll (July 26), as to the Scheme for the Parochial Schools of St. Nicholas Without, and St. Luke.

H. P. J. Wood (July 23), as to circumstances connected with the Rochelle Seminary.

Replies, as drafted, ordered to be sent.

Letters also read :—

The Under Secretary, Dublin Castle (July 23), announcing the appointment of the Rev. Hamilton B. Wilson, D.D., to be an Assistant Commissioner, in the room of the Rev. Professor Dougherty, M.A., resigned.

The Secretaries, Commissioners of Charitable Donations and Bequests (July 26), acknowledging the receipt of correspondence relating to the Anne Hall Endowments.

Messrs. F. and K. Reid (July 26), enclosing "Objections" to the Draft Scheme for the First Derry Presbyterian Church.

H. B. WILSON,

August 1, 1892.

N. D. Murphy, Secretary.

July 29, 1892.

Stated Attendance of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FitzGibbon.

A letter was read from Mr. Alexander Livingstone (July 27), as to Lismaboe Endowed School, and a reply, as drafted, ordered to be sent.

A letter and enclosure from Mr. Arnold Graves, as to the Governing Body of the Pembroke Technical School, were read, and ordered to be held over for a full meeting of the Commission.

The matter to be considered at the meeting fixed for Monday, August 1, was arranged, and it was decided that a series of meetings should be held in order to perfect the Draft Scheme now in preparation.

H. B. WILSON,

August 1, 1892.

N. D. Murphy, Secretary.

August 1, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRILL, Dr. WILSON.

Minutes of the meeting and Stated Attendance held since July 9, read and confirmed.

Letters read :—

Rev. W. Nicholas, D.D. (July 30), enclosing objections of the Methodist Conference to the Draft Scheme for the Erasmus Smith Endowments.

T. Stephenson (July 30), as to the Caryfort Royal School Scheme.

Replies, as drafted, ordered to be sent.

A letter (July 29), and enclosure as to the Irish Clergy Daughters School, were read from Rev. Canon Monahan.

The letter and enclosure from Mr. Arnold Graves, as to the Governing Body of the Pembroke Technical School, were considered, and a reply, as drafted, ordered to be sent.

The following Schemes were finally considered and passed, subject to revision by Lord Justice FitzGibbon:—

- The Pembroke Technical School.
- The Douglas, Bisc. School.
- The Ryeke Presbytery.
- The Dublin Reformatory Schools.
- The Ballinacree School.

The following Schemes were considered:—

- The Madden Endowment.
- The St. Leger Aldworth Endowment.
- The Deane School.
- The Letchmore Presbytery.

The objections to the Limerick Schemes, at present before the Lord Lieutenant, were considered.

The Commissioners adjourned.

GERALD MOLLOY,

August 2, 1892.

N. D. Murphy, Secretary.

August 2, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present.—Lord Justice FITZGIBBON, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of the preceding meeting read and confirmed.

A letter (Aug. 1) was read from Rev. R. Knowles, as to the Governing Body constituted by the Scheme for the Cramoie Bequest, Ballymonee.

Reply, as drafted, ordered to be sent.

The Schemes for the Madden Endowment and the St. Leger Aldworth Endowment were considered and amended.

The objections to the Limerick Schemes, at present before the Lord Lieutenant, were further considered, and it was agreed that Monsignor Molloy should prepare observations thereon.

The Commissioners adjourned.

ANTHONY TRAILL,

August 3, 1892.

N. D. Murphy, Secretary.

August 3, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present.—Lord Justice FITZGIBBON, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting read and confirmed.

Letters read:—

- Rev. R. Wallace (Aug. 2), as to Ousegh Presbytery.
- Rev. D. Humphreys (Aug. 2), as to the Erasmus Smith Scheme.
- Vicar of De Vesol (July 29), as to Ballyrean Endowed School, Queen's County.

Replies, as drafted, ordered to be sent.

Observations on the objections to the Schemes for the Limerick Endowments were submitted by Monsignor Molloy, considered, and ordered to be printed.

Documents in connection with the Scheme for the Erasmus Smith Endowments were ordered to be printed.

The Commissioners adjourned.

GERALD FITZGIBBON,

August 4, 1892.

N. D. Murphy, Secretary.

August 4, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERON, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting read and confirmed.

Letter (Aug. 3) read from Rev. W. Wright, as to the Presbytery of Ards.

Reply, as drafted, ordered to be sent.

The Schemes for the Limerick Endowments, with the objections and observations thereon, were considered and amended.

Dr. Truill's observations on the subject were submitted and ordered to be printed.

The state of the List of Schemes to be published this month was considered.

The Commissioners adjourned.

GERALD FITZGERON,

September 20, 1892.

N. D. Murphy, Secretary.

September 20, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERON, Mr. Justice O'BRIEN, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting read and confirmed.

Letters read:—

Rev. J. W. Tristram (Sept. 16),	} As to extending the time for hearing objections to the Schemes for the Parochial Schools of the City of Dublin, and the Dioceses of Dublin, Glendalough, and Kildare.
Ven. Archbishop Scott (Aug. 18),	

The Under Secretary, Dublin Castle (Sept. 5 and 9), enclosing letters as to the Trusteeship of the Limerick Endowment for Technical Education.

Rev. J. H. Murphy (Sept. 9), as to the annual income dealt with under the Scheme for the Presbytery of Cork.

Rev. T. Browne (Aug. 24), applying for documents sent to the Office in connection with Mungret School, Limerick.

Rev. J. H. Burton (Aug. 11), as to the report of his evidence before the Commission in connection with the Kildare Schools.

Messrs. F. and K. Reid (Aug. 18), as to a Supplemental Scheme for the Gwyn and Young Endowments.

W. B. Pitt (Aug. 27),	} As to the disposal of the Roxborough Road School premises.
Rev. J. Dowd (Aug. 25),	

D. J. Kyle (Aug. 9), as to the Endowment for the Mountfield National School.

Replies, as drafted, ordered to be sent.

The Secretary was directed to write to the Secretary of the Diocesan Councils of Dublin, Glendalough, and Kildare, telling him of the decision of the Commissioners as to the hearing of objections to the Schemes for the Parochial Schools of the City of Dublin, and of the Dioceses of Dublin, Glendalough, and Kildare.

Letters also read:—

J. Merry (Sept. 17),	} Objecting to the Scheme for the Parochial Schools of the City of Dublin.
Rev. G. Mahaffy (Sept. 15),	

Colonel Aldworth (Aug. 31), suggesting an amendment to the Scheme for the St. Leger Ashworth Endowment.

Rev. G. Thompson (Sept. 7),	} As to Schedule of Scheme for the Raphoe Presbytery.
Rev. J. M. F. Guy (Aug. 15),	
Rev. J. B. Bartley (Aug. 15),	
Rev. P. Chambers (Sept. 5),	

Rev. W. J. Young (Sept. 5),	} As to Schedule of Scheme for the Letterkenny Presbytery.
Rev. R. Parke (Aug. 25),	

William Ewing (Sept. 12), stating his willingness to act as Trustee under the Scheme for the Letterkenny Presbytery.

Rev. C. K. Toland (Aug. 30), as to Strabane Presbytery.

Rev. W. Irwin (Aug. 18), as to Colmaine Presbytery.

Rev. R. W. Hamilton, as to Drogheda Presbytery.

Rev. H. M. Butler, as to the Presbytery of Limavady.

Rev. J. Corkey (Aug. 11), as to Glendernat Presbytery.

Rev. J. B. McBride (Aug. 13), as to Derry Presbytery.

Rev. R. T. Smith (Aug. 25), as to Schedule to Scheme for the Parochial Schools of the City of Dublin.

Rev. William Metcalfe (Aug. 25), expressing approval of the Scheme for Ballinacree School.

T. S. Howe (Aug. 27), as to the Mageween Endowment, Ballymacanell, &c.

Numerous applications for copies of various Schemes were also reported.

Letters were read from the Clerk of the Privy Council (Aug. 24) remitting the Schemes for the Diocesan Schools and Baughar Royal School Endowments, and for the Leamy Endowment, with Declarations.

The Secretary was directed to write, in terms as drafted, to the Rev. Canon Gregg with reference to the Diocesan Schools, and Baughar Royal School Endowments.

The Secretary was directed to write, in terms as drafted, to the Secretary, Local Government Board, as to the Audit of Accounts under Schemes framed by the Commission.

The Secretary was also directed to write, in terms as drafted, to Mr. F. L. Capron as to Stoneyford School, Diocese of Down, and Connor and Drumore.

It was decided that Scheme No. 99, the Bangor Endowment School, and Scheme No. 100, the Tute School, Wexford, should be revised on the existing lines, and that no alteration should be made in the Governing Bodies.

The Secretary was directed to see after the "Consents" for the following Schemes:—

- No. 102. The Parochial Schools of the Diocese of Derry.
- No. 104. The Parochial Schools of the Dioceses of Kildare and Acherney.
- No. 124. The Parochial Schools of the Diocese of Coney.

It was decided with regard to Scheme No. 124, the General Orphan Home Endowments, that—

1. The division of the Endowments should remain as it stands.
2. There should be four Trustees, one of whom should be appointed by the Commissioners of Charitable Donations and Bequests, in succession to the existing, and the other three by the bodies sharing in the Endowments.
3. That power should be given to sell the property, the proceeds of which should be handed over to the three Societies, and the Trustees discharged.

Wednesday, October 19, was fixed for the holding of a Public Sitting to consider the Objections and Amendments to the Erasmus Smith Scheme.

The Commissioners adjourned.

WILLIAM O'BRIEN,
September 27, 1892.

Fredk. Redmond,
Assistant Secretary

September 27, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting read and confirmed.

Letters read:—

- Rev. G. Nugent (Sept. 22), as to the Chestwood and Scarnee Charity.
- Messrs. F. and K. Field (Sept. 23), as to the Young and Gwyn Endowments.

Replies, as drafted, ordered to be sent.

Letters also read:—

Secretary Local Government Board (Sept. 26), enclosing copies of rules as to the Audit of Accounts.

- Rev. D. B. Moore (Sept. 23), as to his evidence re the Killiney Schools.
- Rev. R. Smyth (Sept. 24), as to the Schedule to the Scheme for the Presbytery of Raphoe.
- Rev. Wm. Matchette (Sept. 24), as to the annual value of the Ballinacorney School Endowment.

Canon Gregg (Sept. 23), as to Rockborough Road School.

D. J. Kyle (Sept. 23 and 26), as to the Mountfield School, Omagh.

Ven. Archbishop Scott (Sept. 21), as to time for considering the Schemes for the Parochial Schools of the City of Dublin, and of the Dioceses of Dublin, Glendalough, and Kildare.

Messrs. H. Dix & Sons (Sept. 25), objecting to the Scheme for the Parochial Schools of the City of Dublin.

Canon Baskington (Sept. 24), as to consents for the Parochial Schools of the Diocese of Derry.

Rev. A. Terrence (Sept. 23), as to Schedule to the Scheme for the Letterkenney Presbytery.

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The Commissioners laid before them the following minute of the Governors of the King's Hospital, dated September 20, 1892:—

"They (the Governors) will be ready, as a matter of courtesy to the Commissioners, to afford to them, or their appointed officers, access to all necessary books and documents, for the purpose of enabling them to form an opinion as to their jurisdiction over the Endowments of the Hospital."

It was resolved:—

"That the Secretary of the Commission be directed to examine the aforesaid book and documents, in accordance with the above minute, and report thereon to the Commissioners."

With reference to the Mountfield Endowment, the Assistant Secretary was directed to obtain a copy of Sir William McMahon's will.

The Schemes for the Diocesan Schools and Banagher Royal School Endowments, and the Lenny Endowment remitted with Declarations, were considered, and it was decided that reference should be made to the latter in the Annual Report.

The Scheme for Milltown Endowed School, and the objections thereto, were considered; and it was agreed that the Scheme should be revised as to the Constitution of the Governing Body, which should consist of:—

The Bishop for the time being;

The Viscount Midleton for the time being;

A Governor to be nominated by Viscount Midleton;

And the four existing co-opted Commissioners, the latter having power to fill vacancies in their body by co-option.

The Commissioners adjourned.

WILLIAM O'BRIEN,
September 29, 1892.

Fredk. Redmond,
Assistant Secretary.

September 28, 1892.

Meeting of the Commissioners held this day at the Office, 25, Nassau Street, Dublin.

Present:—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Monsignor MOLLAY,
Dr. TRAILL, Dr. WILSON.

Letters read:—

Wm. Miles (Sept. 27), as to the present stage of the Scheme for the Lyons Endowment, Longhena.

Rev. W. L. Dorkley (Sept. 27), as to the Presbytery of Belfast.

Rev. W. D. Wallace (Sept. 28), as to signing of "Comments" for property dealt with under the Scheme for the Presbytery of Letterkenny.

Rev. H. McKnight (Sept. 27), as to Schools under Scheme for the Diocese of Down and Connor and Downpatrick.

Replies, as drafted, ordered to be sent.

A letter was also read from Messrs. H. T. Dix and Sons (Sept. 26), pointing out errors, and suggesting an amendment in the Scheme for Downed School, County Leitrim.

The question of Audit of Accounts of Endowments dealt with under Schemes, was considered with a view to a reference to the matter in the Annual Report.

The question of framing proposals for a system of Inspection was discussed, and the general principles were settled, the Assistant Commissioners undertaking to prepare a Draft Scheme.

The date of the Public Sitting for the consideration of the objections to the Draft Scheme for the Erasmus Smith Endowments was finally fixed for October 12, at 11 o'clock, and a draft Public Notice was prepared, and the usual directions as to publication were given.

The Commissioners adjourned.

WILLIAM O'BRIEN,
September 29, 1892.

Fredk. Redmond,
Assistant Secretary.

September 29, 1892.

Meeting of the Commission held this day at the Office, 33, Nassau Street, Dublin.

Present :—Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of two preceding meetings read and confirmed.

Letters read :—

Rev. J. M. P. Gay (Sept. 28), sends additional property for Schedule of Rapin's Presbytery Scheme.

R. McNulty (Sept. 27), as to Schedule of Rapin's Presbytery Scheme.

F. L. Capron (Sept. 28), stating that Lady Wallace sees no reason for putting Stonyford School on a different footing to the other Schools which are similarly circumstanced.

Messrs. O'Connell and Greer (Sept. 28), as to the Cruise Endowment, Ballymoney.

The Assistant Secretary was directed to write, in terms as drafted, to the Rev. P. Farrelly, P.P., Ballymoney, as to a Roman Catholic Representative, in succession to Mr. Doherty, deceased, on the Scheme for the Cruise Endowment.

The question of Inspection was further considered, Dr. Trill submitting suggestions on the matter.

The Commissioners adjourned.

WILLIAM O'BRIEN

September 30, 1892.

Fredk. Redmond,

Assistant Secretary.

September 30, 1892.

Meeting of the Commissioners held this day at the Office, 33, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting read and confirmed.

A letter (Sept. 29) read from Messrs. F. and K. Reid, as to the Gwyn and Young Endowments.

Reply, as drafted, ordered to be sent.

The Assistant Secretary was directed to write, in terms as drafted, to the Secretary, Commissioners of National Education, as to Stonyford National School, and to enclose a copy of Mr. Capron's letter on the subject.

The Draft Scheme for the Banks' Endowment, Eyrescourt, was considered, and it was directed that the Scheme should be revised on the existing lines.

The question of Inspection was further considered.

The Commissioners adjourned.

WILLIAM O'BRIEN,

October 4, 1892.

Fredk. Redmond,

Assistant Secretary.

PART III.

MINUTES OF THE JUDICIAL COMMISSIONERS.

October 7, 1891.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

Mr. A. Short appointed to take a shorthand report of the sitting of the Commission to be held at the Office, on Saturday, November 7.

Adjourned.

GERALD FITZGERSON,

December 14, 1891.

N. D. Murphy, Assistant Secretary.

December 14, 1891.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

The Scheme for the Catholic University School of Medicine was considered, revised, and finally approved.

The Scheme for Hugh Henry Boyd's Endowment was considered and further revised.

Adjourned.

GERALD FITZGERSON,

December 15, 1891.

N. D. Murphy, Assistant Secretary.

December 15, 1891.

Meeting of the Judicial Commissioners held this day.

The Scheme for the Townsend Street Presbyterian Church Endowment was considered and revised, and letters, as drafted, were directed to be sent to the Solicitor of the Townsend Street Congregation, and to the Rev. Dr. Johnston, D.D., together with copies of the revised Scheme, informing them that their suggestions had been carried out, and asking them to certify the Schedules as correct.

Adjourned.

GERALD FITZGERSON,

December 19, 1891.

N. D. Murphy, Assistant Secretary.

December 18, 1891.

Meeting of the Judicial Commissioners held this day.

The Scheme for the Belfast Natural History and Philosophical Society was considered and revised, and the Assistant Secretary was directed to write to Messrs. L'Estrange and Brett, Solicitors, and to John Anderson, Esq., J.P., stating that the Commissioners had revised the Scheme, and had directed it to be completed, and that they had adopted all the amendments desired by the Council of the Society as furnished on June 29, 1891, subject to certain modifications.

The Scheme for the Endowments of and belonging to Congregations under the care of the Presbytery of Clogher was considered and further revised.

Adjourned.

GERALD FITZGERSON,

December 19, 1891.

N. D. Murphy, Assistant Secretary.

December 19, 1891.

Meeting of the Judicial Commissioners held this day.

Minutes of two preceding meetings read and confirmed.

The Scheme for the Hugh Henry Boyd's Endowment, Belfast, was considered, further revised, and finally approved.

The Scheme for the Townsend Street Presbyterian Church Endowments, Belfast, was considered and further revised.

Adjourned.

GERALD FITZGIBSON,

December 22, 1891.

N. D. Murphy, Assistant Secretary.

December 21, 1891.

Meeting of the Judicial Commissioners held this day.

Letter (Dec. 19) read from Robert T. Martin, Solicitor, returning the Scheme for the Townsend Street Presbyterian Church Endowments, Belfast, with certain amendments, also enclosing "consents" for the several Endowments and a certificate of the correctness of the Schedule to the Schemes.

The Schemes for the following Endowments were considered, further revised, and finally approved:—

No. 112. The Townsend Street Presbyterian Church Endowments.

No. 113. The Belfast Natural History and Philosophical Society.

The Scheme for the Endowments of and belonging to the Congregations under the care of the Route Presbytery was considered, amended, and finally approved.

Adjourned.

GERALD FITZGIBSON,

December 22, 1891.

N. D. Murphy, Assistant Secretary

December 22, 1891.

Meeting of the Judicial Commissioners held this day.

Minutes of two preceding meetings read and confirmed.

Letters read:—

Stanislaus Murphy, M.A. (Dec. 15), with reference to the probable vacancy in the Office of Clerk of the Commission.

Rev. S. Outhbert Mitchell (Dec. 21), sending amendments to Clogher Presbytery Endowments Scheme, and also a certificate of the correctness of the Schedule to the Scheme for the Endowments of and belonging to the Presbytery of Clogher was considered, further revised, and finally approved.

Schemes framed by the Judicial Commissioners for the future government and management of the following Endowments were signed:—

No. 109. City of Belfast—Hugh Henry Boyd's Endowment, Belfast.

No. 103. County of Antrim—The Endowments of and belonging to Congregations under the care of the Route Presbytery.

No. 112. City of Belfast—The Endowments of and belonging to Townsend Street Presbyterian Church and the Henry Martyn Johnston Charity in the City of Belfast.

No. 113. City of Belfast—The Belfast Natural History and Philosophical Society.

No. 124. City of Dublin—The Catholic University School of Medicine.

No. 126. Presbytery of Clogher—The Endowments of and belonging to Congregations under the care of the Presbytery of Clogher.

The Assistant Secretary was directed to forward the above Schemes to the Chief Secretary to the Lord Lieutenant, for His Excellency's approval, with the usual letter.

Arrangements were made for closing the Office during the usual Christmas Holidays, December 23 to January 2, inclusive.

Adjourned.

GERALD FITZGIBSON,

January 4, 1892.

N.D. Murphy, Assistant Secretary.

January 4, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

Communication (Dec. 24) read from the Clerk of the Privy Council, asking for observations on the claim of Mr. Thomas Raddale, Master of Lettona National School, against the Anne Hall Endowments.

A reply, as drafted, ordered to be sent.

Adjourned.

GERALD FITZGERSON,

January 9, 1892.

N. D. Murphy, Assistant Secretary.

January 5, 1892.

Meeting of the Judicial Commissioners held this day.

The Scheme (Amended) for the Donaghadee Free Schools was considered and revised.

Adjourned.

GERALD FITZGERSON,

January 9, 1892.

N. D. Murphy, Assistant Secretary.

January 9, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of two preceding meetings read and confirmed.

The Amended Scheme for the Donaghadee Free Schools was considered, further revised, and finally passed.

Adjourned.

GERALD FITZGERSON,

January 13, 1892.

N. D. Murphy, Assistant Secretary.

January 13, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

Communication (Jan. 11) read from the Clerk of the Privy Council, asking for observations on letter from Mr. Alexander, Agent to Colonel Lowry, as to Powersoy National School (No. 2), included in the Armagh Diocesan Scheme.

A reply, as drafted, ordered to be sent.

A letter, in terms as drafted, was directed to be sent to the Under Secretary, Dublin Castle, with respect to the arrangements to be made for the Staff of the office, in consequence of the probable promotion of two of the officers.

Adjourned.

GERALD FITZGERSON,

January 27, 1892.

N. D. Murphy, Assistant Secretary.

January 27, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

Letters read :—

Frederick Redmond, A.L. (Jan. 23), with reference to the probable vacancy in the office of Secretary or Assistant Secretary to the Commission.

George H. O'Connor (Nov. 6), with reference to the probable vacancy in the office of Clerk of the Commission.

Adjourned.

GERALD FITZGERSON,

January 30, 1892.

N. D. Murphy, Assistant Secretary.

January 30, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

Letter (Jan. 29) read from Mr. Leslie J. Gill, resigning his position as Clerk of the Commission.

The Secretary was directed to summon the following applicants for the position of Clerk to the Commission, to attend at the office, on Tuesday, February 2, at 4.30 o'clock, P.M.:-

Stanislaus Murphy, B.A.

George R. O'Connor.

Adjourned.

GERALD FITZGERSON,

February 3, 1892.

N. D. Murphy, Assistant Secretary.

February 2, 1892.

Stated Attendance of the Judicial Commissioners held this day.

Present:-Mr. Justice O'BRIEN.

The following candidates for the position of Clerk to the Commission, vacant through Mr. Gill's resignation, had interviews with Mr. Justice O'Brien:-

Stanislaus Murphy, B.A.

George R. O'Connor.

William E. Ward.

GERALD FITZGERSON,

February 3, 1892.

N. D. Murphy, Assistant Secretary.

February 3, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting and stated attendance read and confirmed.

Mr. Justice O'Brien reported the result of interview with candidates for the Clerkship to the Commission, and after consultation the Judicial Commissioners appointed Mr. Stanislaus Murphy, B.A., to the position.

Adjourned.

GERALD FITZGERSON,

February 3, 1892.

N. D. Murphy, Assistant Secretary.

February 5, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

A letter from the Under Secretary, Dublin Castle (Feb. 3), as to the Inspection of Schools was considered.

The resignation of Mr. Leslie J. Gill, as Clerk to the Commission was reported, and it was ordered that the matter should be mentioned at a meeting of the Full Commission.

Adjourned.

GERALD FITZGERSON,

February 13, 1892.

N. D. Murphy, Assistant Secretary.

February 13, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

A letter was read from the Under Secretary, Dublin Castle (Feb. 11), notifying the appointments of Mr. Ellis to an Auditorship of the Local Government Board, and Mr. Leslie J. Gill to a Clerkship on the Congested Districts Board.

Adjourned.

GERALD FITZGERSON,

February 17, 1892.

N. D. Murphy, Assistant Secretary.

February 17, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

A letter (Feb. 4), from Messrs. F. and K. Reid, Solicitors, and a copy of Deed as to the Coleraine Temperance Institute were considered, and it was decided that the Endowment was one with respect to which it was not expedient that the Commissioners should proceed to the preparation of a Scheme.

Adjourned.

GERALD FITZGERBON.

February 27, 1892.

N. D. Murphy, Assistant Secretary.

February 27, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

A letter from the Under Secretary, Dublin Castle (Feb. 23), as to the Provision to be made in the estimates 1892-93, for the Expenses of the Commission was considered, and a reply, as drafted, ordered to be sent.

The Public Notice with regard to the Expiring Powers of the Commission was prepared and approved, and ordered to be published in the following Newspapers:—

Dublin.—*Irish Times, Freeman's Journal, Daily Express, Evening Mail, National Press, Irish Daily Independent.*

Cork.—*Examiner, Constitution, Herald.*

Belfast.—*Northern Whig, News-Letter, Morning News.*

Derry.—*Sentinel, Journal, Standard.*

Limerick.—*Chronicle, Reporter, Munster News.*

Adjourned.

GERALD FITZGERBON,

April 1, 1892.

N. D. Murphy, Assistant Secretary.

March 3, 1892.

Meeting of the Judicial Commissioners held this day.

A letter from the Most Rev. Dr. Dwyer (Feb. 27), as to the Limerick Schemes, was considered.

A letter, as drafted, was ordered to be sent to the Rev. N. W. Carr, as to the Philaborough Sunday and Daily Schools.

Adjourned.

GERALD FITZGERBON,

April 1, 1892.

N. D. Murphy, Assistant Secretary.

March 10, 1892.

Meeting of the Judicial Commissioners held this day.

The resignation of Mr. William Edward Ellis as Secretary to the Commission was reported, and Mr. N. D. Murphy, Assistant Secretary, was appointed to the office of Secretary, and Mr. Frederick Redmond to the office of Assistant Secretary.

Adjourned.

GERALD FITZGERBON,

April 1, 1892.

N. D. Murphy, Secretary.

March 16, 1892.

Stated Attendance of the Judicial Commissioners held this day.

Present :—Lord Justice FITZGERBON.

The following letters were considered :—

The Secretary, Congested Districts Board (March 4), as to Mr. Leslie J. Gill's appointment to that Board.

The Secretary, Alliance Assurance Company (March 7), as to the probable date at which the Commissioners will be ready to vacate their offices.

Replies, as drafted, ordered to be sent.

GERALD FITZGERBON,

April 1, 1892.

N. D. Murphy, Secretary.

March 20, 1892.

Meeting of the Judicial Commissioners held this day.

Mr. J. McBride was appointed to take a shorthand report of the Public Sitting of the Commission, to be held at Ballymoney, on March 29.

Adjourned.

GERALD FITZGERBON,

April 1, 1892.

N. D. Murphy, Secretary.

March 31, 1892.

Meeting of the Judicial Commissioners held this day.

The circumstances of King's Hospital, Blackhall Place, were considered, and a letter, as drafted, was ordered to be written to Mr. G. R. Armstrong, Registrar, with a view to holding a Public Inquiry on the matter.

Adjourned.

GERALD FITZGERBON,

April 1, 1892.

N. D. Murphy, Secretary.

April 1, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of the five preceding meetings and stated attendance read and confirmed.

A letter, as drafted, was ordered to be written to the Secretary, Civil Service Commission, notifying the recent changes in the Staff of the Commission, and applying for certificates of qualification for Mr. Frederick Redmond and Mr. Stanislaus Murphy.

Adjourned.

GERALD FITZGERBON,

April 2, 1892.

N. D. Murphy, Secretary.

April 2, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

A letter, as drafted, was ordered to be sent to the Secretary of the Treasury as to the appointments of Mr. N. D. Murphy, M.A., and Mr. F. Redmond, M.A., as Secretary and Assistant Secretary, respectively, to the Commission.

A letter from the Under Secretary, Dublin Castle (Feb. 3), as to the Inspection of Schools, was considered, and a reply, as drafted, ordered to be sent.

Adjourned.

GERALD FITZGERBON,

April 4, 1892.

N. D. Murphy, Secretary.

April 4, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

The Scheme for the Chrysefort Royal School Endowment, remitted with a Declaration by the Lord Lieutenant in Council, was considered and amended.

Adjourned.

GERALD FITZGERSON,

April 5, 1892.

N. D. Murphy, Secretary.

April 5, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

A revised Scheme was prepared for the Donaghadee Free Schools.

Adjourned.

GERALD FITZGERSON,

April 6, 1892.

N. D. Murphy, Secretary.

April 6, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

A revised Scheme was prepared for the Parochial Schools of the Diocese of Kilmore, with a view to its being signed by the Judicial Commissioners.

Adjourned.

GERALD FITZGERSON,

April 7, 1892.

N. D. Murphy, Secretary.

April 7, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

The Draft Scheme for the Leamy Endowment, Limerick, and the objections thereto were considered, and a revised Scheme was prepared.

Adjourned.

GERALD FITZGERSON,

April 8, 1892.

N. D. Murphy, Secretary.

April 8, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

A letter, as drafted, was ordered to be written to the Secretary of the Treasury as to the appointments of Mr. Frederick Redmond, B.A., and Mr. Stanislaus Murphy, B.A., as Assistant Secretary and Clerk, respectively, to the Commission.

A letter from the Secretary, Civil Service Commission, on the same subject, was considered, and a reply, as drafted, ordered to be sent.

Adjourned.

GERALD FITZGERSON,

April 11, 1892.

N. D. Murphy, Secretary.

April 11, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

A letter, as drafted, was ordered to be written to Dr. Traill, as to the part he proposed taking in the revision of the Limerick Scheme.

Adjourned.

GERALD FITZGERSON,

April 12, 1892.

N. D. Murphy, Secretary.

April 12, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

A letter from the Secretary, Civil Service Commission (April 11), with reference to Mr. Leslie J. Gill's period of service to the Commission, was read, and a reply, as drafted, ordered to be sent.

The revised Scheme for the Leamy Endowment was considered and amended.

Adjourned.

GERALD FITZGIBSON,

April 12, 1892.

N. D. Murphy, Secretary.

April 13, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

His Grace, Lord Plunkett, Archbishop of Dublin, had an interview with the Judicial Commissioners on the subject of the Caryfort Royal School Endowment.

Arrangements were made for closing the office during the usual Easter Holidays.

Adjourned.

GERALD FITZGIBSON,

April 13, 1892.

N. D. Murphy, Secretary.

April 16, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

A revised Scheme for the Limerick Endowment for Technical Education was prepared.

Adjourned.

GERALD FITZGIBSON,

April 20, 1892.

N. D. Murphy, Secretary.

April 20, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

The Scheme for the Leamy Endowment, Limerick, was considered in its revised state, and amended.

Revised Schemes were prepared for the Diocesan Schools and Banagher Royal School Endowments, Limerick, and for the Presbytery of Ards.

Adjourned.

GERALD FITZGIBSON,

April 22, 1892.

N. D. Murphy, Secretary.

April 23, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

A letter from Mr. G. R. Armstrong (April 21), as to the proposed Public Inquiry with reference to King's Hospital, Blackhall Place, was considered, and a reply, as drafted, ordered to be sent.

The revised Scheme for the Leamy Endowment was further considered.

Adjourned.

GERALD FITZGIBSON,

April 23, 1892.

N. D. Murphy, Secretary.

April 23, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

A letter, as drafted, was ordered to be written to the Secretary of the Treasury, as to the recent appointments to the Staff of the Office.

Adjourned.

GERALD FITZGIBSON,
April 25, 1892.

N. D. Murphy, Secretary.

April 25, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

The revised Schemes for the Diocesan Schools and Banagher Royal School Endowments, Limerick, and for the Limerick Endowment for Technical Education, were considered and amended.

Adjourned.

GERALD FITZGIBSON,
April 28, 1892.

N. D. Murphy, Secretary.

April 28, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

The revised Scheme for the Carysfort Royal School Endowment was further considered.

Adjourned.

GERALD FITZGIBSON,
April 30, 1892.

N. D. Murphy, Secretary.

April 30, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

The revised Schemes for the following Endowments were finally considered, and signed by the Judicial Commissioners:—

- No. 82.—The Donaghadee Free Schools. (Amended Scheme.)
- No. 85.—The Carysfort Royal School Endowment. (Amended Scheme.)
- No. 108.—The Parochial Schools of the Diocese of Kilmore.
- No. 116.—The Presbytery of Ards.

Adjourned.

GERALD FITZGIBSON,
May 3, 1892.

N. D. Murphy, Secretary.

May 2, 1892.

Stated Attendance of the Judicial Commissioners held this day.

Present:—Lord Justice FITZGIBSON.

The revised Scheme for the Leamy Endowment was further considered.

GERALD FITZGIBSON,
May 3, 1892.

N. D. Murphy, Secretary.

May 3, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting and Stated Attendance read and confirmed.

The following revised Schemes were finally considered, and signed by the Judicial Commissioners:—

No. 90.—The Diocesan Schools, and Bannagher Royal School Endowments (Limerick).

No. 94.—The Limerick Endowment for Technical Education.

No. 95.—The Leamy Endowment (Limerick).

Adjourned.

GERALD FITZGIBSON,

N. D. Murphy, Secretary.

May 4, 1892.

May 4, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

The revised Scheme for the Southwell School Endowment, Kinsale, was considered.

Adjourned.

GERALD FITZGIBSON,

N. D. Murphy, Secretary.

May 11, 1892.

May 11, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

A letter from the Under Secretary, Dublin Castle (May 9), as to the Inspection of Schools, was read, and instructions were given on the matter.

Adjourned.

GERALD FITZGIBSON,

N. D. Murphy, Secretary.

May 12, 1892.

May 12, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

The revised Scheme for the Southwell School Endowment, Kinsale, was finally considered, and signed by the Judicial Commissioners.

Adjourned.

GERALD FITZGIBSON,

N. D. Murphy, Secretary.

June 29, 1892.

May 13, 1892.

Stated Attendance of the Judicial Commissioners held this day.

Present:—Lord Justice FITZGIBSON.

A letter from the Under Secretary, Dublin Castle (May 11), enclosing the decision of the Treasury with regard to the Staff of the Commission, was reported.

GERALD FITZGIBSON,

N. D. Murphy, Secretary.

June 29, 1892.

June 1, 1892.

Stated Attendance of the Judicial Commissioners held this day.

Present:—Lord Justice FITZGIBSON.

Letters, as drafted, were ordered to be written to:—

The Secretary, Board of Works, as to providing suitable offices for the Commission.

G. E. Armstrong, as to the action of the Governors of King's Hospital, Blackhall Place, in connection with the proposed Public Inquiry.

Arrangements were made for closing the office during the usual Whitewake Holidays.

GERALD FITZGIBSON,

N. D. Murphy, Secretary.

June 29, 1892.

June 11, 1892.

Stated Attendance of the Judicial Commissioners held this day.

Present :—Lord Justice FITZGERSON.

A communication was read from the Secretary Representative Church Body, as to the Draft Scheme for the United Dioceses of Dublin, Glendalough, and Kildare, and a reply, as drafted, ordered to be sent.

GERALD FITZGERSON,

June 29, 1892.

N. D. Murphy, Secretary.

June 23, 1892.

Stated Attendance of the Judicial Commissioners held this day.

Present :—Lord Justice FITZGERSON.

Mr. O'Brien was appointed to take a shorthand report of a Conference to be held at the Office, on Thursday, June 24, in connection with the Jeffers' Endowment, Tralee.

GERALD FITZGERSON,

June 29, 1892.

N. D. Murphy, Secretary.

June 29, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting and four Stated Attendances read and confirmed.

Dates for proposed Publicittings to be held early in October, were fixed.

It was ordered :—

1. That the Sittings of the Commission shall be adjourned, for vacation, from Tuesday, August 2, to Tuesday, September 20.

2. That the Office of the Commission shall be open for the transaction of business on Tuesdays and Fridays, during the above period, from one to three o'clock.

Adjourned.

GERALD FITZGERSON,

September 1, 1892.

N. D. Murphy, Secretary.

July 23, 1892.

Stated Attendance of the Judicial Commissioners held this day.

Present :—Lord Justice FITZGERSON.

Objections to certain Schools being included in the Scheme for the Diocese of Kilmore were considered, and letters, as drafted, were ordered to be written to two of the objectors—Rev. S. F. Atkinson and Mr. W. H. Stone.

Adjourned.

GERALD FITZGERSON,

September 1, 1892.

N. D. Murphy, Secretary.

September 1, 1892.

Meeting of the Judicial Commissioners held this day.

Minutes of preceding meeting read and confirmed.

A letter (Aug. 13) was read from Mr. R. M. Young, as to the Scheme for the Belfast Natural History and Philosophical Society.

Reply, as drafted, ordered to be sent.

A letter, as drafted, was ordered to be written to the Secretary, Commissioners of Education in Ireland, as to the value of the Raxborough Road School premises, Limerick.

Adjourned.

GERALD FITZGERSON,

October 13, 1892.

N. D. Murphy, Secretary.

PART IV.

MINUTES OF THE ASSISTANT COMMISSIONERS.

November 6, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

A letter from the Under-Secretary, Dublin Castle, with regard to the estimate to be made for the expenses of the Commissioners for the year 1892-3 was read, and a reply was prepared to be brought up for consideration by the Judicial Commissioners.

Adjourned.

J. B. DOUGHERTY,
November 13, 1891.

N. D. Murphy, Assistant Secretary.

November 13, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the last four meetings, and of the meeting of Tuesday, June 23, 1891, were read and confirmed.

The Draft Scheme for the Parochial Schools of the City of Dublin was considered, amended, and passed.

Adjourned.

GERALD MOLLOY,
November 14, 1891.

N. D. Murphy, Assistant Secretary.

November 14, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The case of the Rockfield Institution was discussed.

The Assistant Secretary brought up a Report on the Dandalk Endowed School, and he was directed to write, in terms as drafted, to the Agent of the Roden Estates as to the purchase by Lord Roden of the School premises.

Adjourned.

ANTHONY TRAILL,
November 25, 1891.

N. D. Murphy, Assistant Secretary.

November, 25, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

The Draft of a Scheme for the Kilmeagoe School and the Perceval Endowment was submitted, considered, amended, and passed, and was ordered to be printed.

It was ordered:—

That the case of the Rockfield Institution should stand over until the Secretary should have recovered from his illness.

Adjourned.

J. B. DOUGHERTY,

November 27, 1891.

N. D. Murphy, Assistant Secretary.

November 27, 1891.

Meeting of the Assistant Commissioners, held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

It was arranged that the following Schemes should be advanced with a view to publication:—

1. Dublin City Parochial Schools.
2. The Lyons Endowment, Loughrea.
3. The Kilmeagoe School and Perceval Endowment.
4. The Endowments of the Droemore Presbytery.
5. The Endowments of the Derry Presbytery.
6. The Carrickmacross Grammar School.

Professor Dougherty submitted an application for the Rev. Mr. Hamill for a Scheme for the Coreeney School, near Lurgan.

It was agreed that Professor Dougherty should write to Mr. Hamill, suggesting that the School might be included in the Scheme for the Droemore Presbytery, and that if the Trustees consented, the School should be dealt with in that Scheme, with a clause saving the powers and rights of the existing Trustees and Managers.

Adjourned.

GERALD MOLLOY,

December 16, 1891.

N. D. Murphy, Assistant Secretary.

November 28, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

The heads of a Scheme for the Endowments of the Droemore Presbytery were submitted by Professor Dougherty, and passed, and the Scheme was ordered to be printed.

Adjourned.

GERALD MOLLOY.

December 16, 1891.

N. D. Murphy, Assistant Secretary.

December 4, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL.

A letter from Rev. Mr. Hamill with regard to the inclusion of Coreeney School in the Droemore Presbytery was submitted.

It was agreed that the School should be included in the Droemore Scheme.

Adjourned.

GERALD MOLLOY.

December 16, 1891.

N. D. Murphy, Assistant Secretary.

December 11, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL.

The Heads of a Scheme for the Kilkenny Subscription School, Evans Charity, were submitted by Dr. Trill, and passed.

It was agreed that Monsignor Molloy should bring up the Heads of a Scheme for the Mount Sandford Bequest for Castlereagh, at a meeting to be held, on Wednesday, December 16.

Adjourned.

GERALD MOLLOY,

December 16, 1891.

N. D. Murphy, Assistant Secretary.

December, 16 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL.

Minutes of four preceding meetings read and confirmed.

Monsignor Molloy submitted the history of the Mount Sandford Endowment, Castlereagh; the principles on which a Draft Scheme for the Endowment should be prepared were discussed, and it was reserved for a meeting of the Full Commission to decide whether the Endowments should—

- (1) be exclusively applied to the School built in 1830, by Lord Mount Sandford, and since that time maintained either wholly or partly at the expense of the estate, or
- (2) be applied generally to the Schools now existing in Castlereagh.

The Assistant Secretary was directed to obtain from the Commissioners of National Education, a return of the Schools, in connection with the National Board, now existing in the town of Castlereagh.

Adjourned.

ANTHONY TRAILL,

December 18, 1891.

N. D. Murphy, Assistant Secretary.

December 18, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

The Head of a Scheme for the Lyons Endowment, Loughrea, were submitted by Monsignor Molloy, and agreed to, and the Scheme was ordered to be prepared.

Adjourned.

J. B. DOUGHERTY.

January 21, 1892.

N. D. Murphy, Assistant Secretary.

January 21, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

It was agreed that the following Schemes should constitute the next batch to be published:—

1. The Kilmacogue School and Perceval Endowment.
2. The Mount Sandford Endowment, Castlereagh.
3. The Endowments of the Downmore Presbytery.
4. The Endowments of Tuam Diocese.

Letters read :—

- Rev. T. S. Graham, as to a Scheme for the Presbytery of Comber.
 Rev. John Milliken, as to error in Schedule of the Route Presbytery Scheme.
 Ven. Archbishop Tait, enclosing Schedule of Endowments belonging to the Diocese of Tarn.
 Rev. Wm. Jeffares, as to the Carysfort Royal School Endowment.

Replies, as drafted, ordered to be sent.

The following batch of Schemes was agreed to for publication in March :—

1. The Lyons Endowment, Loughrea.
2. The Dublin City Parochial Schools.
3. The Endowments of the Comber Presbytery.
4. The Endowments of the Derry Presbytery.
5. The Endowments of the Diocese of Ardara and Aghadoe.

Adjourned.

ANTHONY TRAILL,

January 29, 1891.

N. D. Murphy, Assistant Secretary.

January 29, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 33, Nassau-Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The Draft Scheme for the Mount Sandford Endowment, Castlebar, was considered and passed, subject to the decision by the Full Commission of the question reserved by the Assistant Commissioners at the meeting of December 16, 1891.

The Draft Scheme for the Drumceen Presbytery was considered and passed.

Adjourned.

GERALD MOLLOY,

February 10, 1891.

N. D. Murphy, Assistant Secretary.

February 5, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL.

The Draft Scheme for the Lyons Endowment, Loughrea, was considered and passed, and was ordered to be brought up for consideration by the Full Commission, when the corrections which had been made were carried out.

The Assistant-Secretary was directed to write in terms as drafted to the Secretaries of the Diocesan Council of Clonfert, and the Select Vestry of Loughrea, for the names of two representative laymen from each body to be the first representative Trustees under the above Scheme.

The Draft Scheme for the Dublin City Parochial Schools was considered.

Adjourned.

GERALD MOLLOY,

February 6, 1892.

N. D. Murphy, Assistant Secretary.

February 8, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

The Draft Scheme for the Dublin City Parochial Schools was considered and passed, and directions were given to have the corrections carried out, and the Scheme, without the Schedules, brought up for consideration, on Wednesday next, by the Full Commission, and to have the Schedules completed and printed as soon as possible.

The question as to the inclusion of the Endowments belonging to Pleasant's Asylum in the above Scheme, was directed to be brought up at a meeting at which Lord Justice FitzGibbon should be present.

Adjourned.

ANTHONY TRAILL,

February 10, 1892.

N. D. Murphy, Assistant Secretary.

February 10, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL.

Minutes of preceding meeting, were read and confirmed, and the minutes of the meeting of January 29, which had been read on a previous occasion, were confirmed.

The Draft Scheme for the Tuam Diocesan Endowments was considered, amended, and passed.

Adjourned.

J. B. DOUGHERTY,

February 11, 1892.

N. D. Murphy, Assistant Secretary.

February 11, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

A list of names of First Representative Trustees for Derry Presbytery Endowments was submitted, and it was agreed to ask the Rev. J. B. McBride, Secretary Endowments Commission, Derry Presbytery, to send two more names of Representative Trustees for the Derry Scheme.

That Scheme was passed, subject to revision by the Assistant Commissioners in charge of it.

Adjourned.

GERALD MOLLOY,

February 24, 1892.

N. D. Murphy, Assistant Secretary.

February 12, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

In connection with the Draft Scheme for the Drogheda Presbytery, Dr. Traill proposed to ask the opinion of the Judicial Commissioners, whether Endowments, belonging to Congregations in which there are no Educational Endowments at present, can be included in the Schedule to a Scheme along with property of Congregations where there are Educational Endowments.

Professor Dougherty protested against the question being again discussed, on the ground that it had been previously decided in connection with Schemes already passed.

It was agreed that the question should be submitted to the Judicial Commissioners.

It was also agreed that Schemes for the following Endowments should constitute the new batch to be published in March :—

1. Dundalk Endowed School,
2. Cork Presbytery,
3. Coleraine Presbytery,
4. Arifort and Aghades Dioceses,
5. Kilkenny Subscriptions,
6. French School, Portarlington.

Adjourned.

GERALD MOLLOY.

February 24, 1892.

N. D. Murphy, Assistant Secretary.

February 24, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—MONSIGNOR MOLLOY, DR. TRAILL, Professor DOUGHERTY.

Minutes of two preceding meetings read and confirmed.

The principles of a Supplemental Scheme for Armagh Church Schools were considered and approved.

The application of the Governors in regard to "The Primate Robinson Charity Loan Fund" was agreed to, and it was decided to incorporate their suggestion in the Supplemental Scheme.

With regard to the Portarlington Free School it was agreed that, if consistent with the trusts of the Endowment, it should be dealt with in the Scheme for the Endowments of Dublin, Glendalough, and Kildare.

A letter, as drafted, was directed to be sent to the Secretary of the Archbishop of Dublin with regard to the Title Deeds of the Portarlington Endowment.

Adjourned.

ANTHONY TRAILL,

February 26, 1892.

N. D. Murphy, Assistant Secretary.

February 26, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—MONSIGNOR MOLLOY, DR. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

It was arranged that a Public Sitting of the Commission should be held at Ballymoney, on Tuesday, March 29, for the purpose of holding an inquiry about the Cramie Bequest.

The heads of a Scheme for the Dundalk Endowed School were submitted and approved.

Certain questions with regard to the Draft Supplemental Scheme for the Armagh Church Schools were considered.

Adjourned.

J. B. DOUGHERTY,

March 11, 1892.

N. D. Murphy, Assistant Secretary.

March 9, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL.

The draft of the Supplemental Scheme for the Coleraine Academical Institution was considered and passed, and ordered to be sent to the printer; to be brought up for consideration on Friday, March 11.

Adjourned.

J. B. DOUGHERTY,

Fredk. Redmond, Assistant Secretary.

March 11, 1892.

March 11, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

The Supplemental Scheme for Coleraine Academical Institution was considered and passed.

A letter from the Governors was read, and it was resolved to send them a copy of the Clause which it is proposed to substitute for clause 20 of the Principal Scheme.

A reply, as drafted, was ordered to be sent.

A letter from Mr. Wm. Edward Ellis, notifying his resignation of the position of Secretary to the Commission, was read.

Adjourned.

GERALD MOLLOY,

Fredk. Redmond, Assistant Secretary.

March 31, 1892.

March 31, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The Draft Scheme for Killybegs Subscription School was considered and amended.

A letter, as drafted, was directed to be sent to the Dean of Ossery.

The following list of Schemes for publication in April was distributed among the Assistant Commissioners :—

Killybegs Subscription School,
The Dublin City Parochial School,
The United Dioceses of Dublin, Glendalough, and Kildare,
The Ballintoy Parochial School,
The Irish clergy's Daughter's School,
The Erasmus Smith Endowments,
The Coleraine Presbytery Scheme,
The Drogheda Blue School,
The Crusade Endowment,
The Mount Sandford Endowment, Castles,

The Scheme for Coleraine Presbytery was considered and referred to Professor Dougherty for final alterations.

The Scheme for Ballintoy Parochial School was discussed, and it was agreed to reserve it for consideration by the Full Commission.

Adjourned.

ANTHONY TRAILL,

Fredk. Redmond, Assistant Secretary.

April 1, 1892.

April 1, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The heads of a Scheme for the Erasmus Endowment were submitted by Professor Dougherty, the Assistant Commissioner in charge, and approved.

The recitals of the Scheme for Ballintoy Parochial School were considered and agreed upon.

A letter as drafted, was directed to be sent to Edmund McNeill, Esq., J.P.

Adjourned.

J. B. DOUGHERTY.

April 8, 1892.

Fredk. Redmond, Assistant Secretary.

April 8, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Some matters relating to the Scheme for the Erasmus Endowment, Ballymoney, were considered, and counsel's opinion was read.

The Draft Scheme for Kilkenny Subscription School was considered and amended.

The present condition of the Draft Schemes for the month of April was considered, and Saturday, April 30, was provisionally fixed as the date of their publication.

Adjourned.

GERALD MOLLOY,

April 11, 1892.

Fredk. Redmond, Assistant Secretary.

April 11, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Some questions in connection with the Scheme for Ballintoy School were considered and it was agreed to reserve them for the consideration of the Full Commission.

The condition of the Scheme for the Erasmus Smith Endowments was considered.

Adjourned.

J. B. DOUGHERTY.

April 13, 1892.

Fredk. Redmond, Assistant Secretary.

April 13, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The Draft Scheme for Kilkenny Subscription School was reconsidered, and it was proposed to omit the portion dealing with the Non-Educational Endowments.

The question was finally reserved for the consideration of the Full Commission.

Adjourned.

GERALD MOLLOY,

April 21, 1892.

Fredk. Redmond, Assistant Secretary.

April 21, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The Scheme for the Cramois Endowment, Ballymonee, was considered, amended, and passed.

The Scheme for Kilkenny Subscription School was further considered and passed.

It was ordered that these two Schemes should be sent to the printer at once so as to be ready for discussion by the Full Commission on Saturday, April 23.

Adjourned.

ANTHONY TRAILL,
April 22, 1892.

Fredk. Redmond, Assistant Secretary.

April 22, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The Scheme for the Sandford Endowment, Castlereagh, was considered, and Dr. Traill proposed as an amendment to substitute in Clause 2 for the words, "upon trust to promote the instruction of pupils of Castlereagh," the words, "upon trust to promote the instruction of pupils of the School."

Some other amendments were also suggested, and it was agreed to reserve the Scheme, generally, for the consideration of the Full Commission.

Adjourned.

J. B. DOUGHERTY,
April 23, 1892.

Fredk. Redmond, Assistant Secretary.

April 23, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The principles of a Scheme for the Ringsend Technical School were considered, and Lord Pembroke having undertaken, through his agent, to give the School an Endowment of £4,000, it was agreed that a Scheme should be drafted.

Some proposals as to the constitution of the Governing Body of the School were considered, and it was agreed to reserve them for the consideration of the Full Commission.

Adjourned.

GERALD MOLLOY,
May 2, 1892.

Fredk. Redmond, Assistant Secretary.

May 2, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present—Monsignor MOLLOY, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

It was arranged that the following should constitute the new batch of Schemes for publication in June :—

- (1.) Ringend Fishing School.
- (2.) Coleraine Presbytery.
- (3.) Raphoe Presbytery.
- (4.) The Aldworth Endowment.
- (5.) The Irish Clergy Daughters' School.
- (6.) The Dublin Female Reformatory.
- (7.) Drogheda Blue School.

Adjourned.

J. B. DOUGHERTY,
May 5, 1892.

Fredk. Redmond, Assistant Secretary.

May 6, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

A letter was read from the Rev. Josias Mitchell, enclosing a cheque to defray the cost of publication of the Scheme for the Anahilt Endowed School.

The 30th of June was fixed as the date of publication of the following batch of Schemes, settled at the preceding meeting, a Scheme, dealing with the rentcharge payable by the Town Commissioners of Ardee, being added to the list :—

- (1.) Ringend Fishing School.
- (2.) Aldworth Endowment.
- (3.) Ardee Rentcharge.
- (4.) Coleraine Presbytery.
- (5.) Raphoe Presbytery.
- (6.) Drogheda Blue School.
- (7.) The Irish Clergy Daughters' School.
- (8.) The Dublin Reformatory.

The heads of a Scheme for the Drogheda Blue School were submitted by Professor Dougherty, and it was agreed that the following questions should be reserved for the consideration of the full Commission.

- (1.) Whether the Corporation of Drogheda is legally bound to pay the annual rentcharge of £42, paid by them at present to the Blue School.
- (2.) Whether it is to be regarded as an Endowment of private origin impressed with a denominational trust, or as an Endowment of public origin available for all denominations.

Adjourned.

ANTHONY TRAILL,
May 10, 1892.

Fredk. Redmond, Assistant Secretary.

May 10, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The question of holding a Public Inquiry at Kilmogue, in reference to the Kilmogue School, was discussed, and it was agreed to reserve it for the consideration of the Full Commission.

Some questions in connection with the Drogheda Blue School were considered, and a letter, as drafted, was directed to be sent to the Mayor of Drogheda.

Adjourned.

GERALD MOLLOY,

May 20, 1892.

Fredk. Redmond, Assistant Secretary.

May 12, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

A question in relation to the drafting of a Scheme for the Drogheda Blue School was submitted by Professor Dougherty, the Assistant Commissioner in charge of the Scheme, and a letter, as drafted, was directed to be sent to the Secretary of the School.

Adjourned.

GERALD MOLLOY,

May 20, 1892.

Fredk. Redmond, Assistant Secretary.

May 20, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of two preceding meetings read and confirmed.

Letter read from T. P. Cairnes, D.L., enclosing Reports of Drogheda Blue School for years 1891 and 1892.

Letter, as drafted, directed to be sent to Rev. Dr. Monahan in relation to proposed Draft Scheme for Irish Clergy Daughters School.

Heads of a Scheme for the Pembroke Technical School submitted by Monsignor Molloy and approved.

Adjourned.

J. R. DOUGHERTY,

May 24, 1892.

Fredk. Redmond, Assistant Secretary.

May 24, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The Draft of a Scheme for the Drogheda Blue School was submitted, considered, and passed, and an order for printing was made.

Adjourned.

ANTHONY TRAILL,

June 8, 1892.

Fredk. Redmond, Assistant Secretary.

June 8, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letter, as drafted, directed to be sent to T. P. Cairnes, of Drogheda, in relation to the Draft Scheme for Drogheda Blue School.

The Scheme, as revised, was considered, and an order for printing in the revised form was made.

Adjourned.

J. B. DOUGHERTY,
June 10, 1892.

Fredk. Redmond, Assistant Secretary.

June 10, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The Scheme, as drafted, for Rathmines Sunday and Daily Schools was brought up for consideration, and an order for printing was made.

The heads of a Scheme for the Dromod School, county Leitrim, were submitted by Dr. Traill, and approved.

The heads of a Scheme for the Aldworth Endowment were submitted by Dr. Molloy and were reserved for future consideration; Dr. Traill undertaking to submit an alternative Scheme.

Adjourned.

GERALD MOLLOY,
June 24, 1892.

Fredk. Redmond, Assistant Secretary.

June 15, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

The Draft Scheme for the Ballintoy Parochial School was considered and amended and an order for printing, in the amended form, was made.

Adjourned.

GERALD MOLLOY,
June 24, 1892.

Fredk. Redmond, Assistant Secretary.

June 24, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsieur MOLLOY, Dr. TRAILL.

Minutes of two preceding meetings read and confirmed.

An Alternative Scheme for the Aldworth Endowment was submitted by Dr. Trill, and approved.

The Heads of a Scheme for the Madden Endowment, County Galway, were submitted by Monsieur Molloy and approved, and a letter, as drafted, was directed to be sent to the Most Rev. Dr. Hoaly.

The Draft Scheme for Ballintoy Parochial School, Co. Antrim, was considered and passed.

Adjourned.

ANTHONY TRAILL,

September 21, 1892.

Fredk. Redmond,
Assistant Secretary.

September 22, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting read and confirmed.

The corrections and amendments to the Schemes for the Presbyteries of Connought and Down were considered.

The Scheme for the Killinchy Schools, and the objections thereto, were discussed.

The Schemes for the Crofton Endowment and the Charleville Endowment, Co. Cork, were brought up for consideration, but were reserved for the attendance of Dr. Molloy.

Adjourned.

H. B. WILSON,

September 27, 1892.

Fredk. Redmond,
Assistant Secretary.

September 27, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsieur MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting read and confirmed.

The Scheme for the Killinchy Schools (No. 107), and the objections thereto were considered, and it was agreed:—

(1.) That the exclusive use of the Schoolhouse for Sunday School purposes be given to the Rector every Sunday morning, and to the Presbyterian Minister every Sunday evening.

(2.) That either Clergyman may have the use of Schoolhouse on week evenings out of school hours, subject to the rules of the Commissioners of National Education, and, in the event of their requiring them simultaneously, the Governing Body shall decide the question.

(3.) That the Rector and the Presbyterian Minister shall be Chairman and Vice-Chairman, respectively, of the Governors every alternate year. Whichever of these two is Chairman at the date of the passing of the Scheme shall continue to act till the end of the current calendar year, when he shall be succeeded by the other for the ensuing year, and so on alternately.

(4.) That in case of a vacancy in the office of Rector or of Presbyterian Minister, the Clergyman in Charge, or the Moderator of the Session, respectively, shall act in his place during such vacancy.

The objections to the Schemes for the Middleton Endowment and the Banks Endowment were considered, and ultimately reserved for the presence of the Judicial Commissioners.

Adjourned.

ANTHONY TRAILL,

September 28, 1892.

Fredk. Redmond,
Assistant Secretary.

September 28, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting read and confirmed.

Letters were read from J. S. Howe, Rev. J. Quarts, Dean Maguire, and Messrs. Crawford and Lockhart, Solicitors, in relation to the Magowan Endowment, County Down, and it was agreed that, in addition to the Marquis of Dufferin and Dean Maguire, the present Trustees, a Presbyterian Trustee should be appointed under the new Scheme, the first Presbyterian Trustee to be the successor to the Rev. William Clarke, Minister of Second Banger Congregation.

An amendment to Clause 21 of the Scheme for Killinchy Schools (Scheme No. 167) was proposed by Dr. Wilson and ultimately agreed to, to the effect that the Rev. D. R. Moore should be Chairman of the Governors for the remainder of the current calendar year in which the Scheme shall come into operation; that the Rev. Dr. Barton shall be Chairman for the following calendar year, and that the offices of Chairman and Vice-Chairman shall be held by the Rector and the Presbyterian Minister, both, for the time being, alternately from year to year.

The Heads of the Annual Report to the Lord Lieutenant were considered.

Adjourned.

H. R. WILSON,
September 29, 1892.

Fredk. Redmond,
Assistant Secretary.

September 29, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting read and confirmed.

The question of Inspection was under consideration, and certain proposals were submitted by Dr. Traill, discussed, amended, and finally reserved for the consideration of the Full Commission.

Adjourned.

GERALD MOLLOY,
September 30, 1892.

Fredk. Redmond,
Assistant Secretary.

September 30, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting read and confirmed.

The following list of Draft Schemes for publication on November 12 was provisionally settled :—

- (1.) The Incorporated Society.
- (2.) The Irish Clergy's Daughters School.
- (3.) The Carrickmacross Endowed School.
- (4.) The Belfast Presbytery.
- (5.) The Magowan Endowment.

The Scheme for the Banks Endowment, Eyrecourt, and the objections thereto, were discussed, and finally reserved for the consideration of the Full Commission.

Adjourned.

H. R. WILSON,
October 4, 1892.

Fredk. Redmond,
Assistant Secretary.

EDUCATIONAL ENDOWMENTS (IRELAND) COMMISSION, 1891-92.

APPENDIX A. MINUTES OF EVIDENCE.

PUBLIC SITTING—MONDAY, OCTOBER 12, 1891.

OCT. 12, 1891.

At the Office, 23, Nassau-street, Dublin.

Present:—The Right Hon. Lord Justice FITZGIBBON and the Right Hon. Mr. Justice O'BRIEN, Judicial Commissioners; and the Right Rev. GERALD MOLLOY, D.D., D.C., ANTHONY TRAILL, Esq., LL.D., M.D., F.T.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Secretary, WM. EDWARD EGAN, M.A., LL.B., and the Assistant Secretary, N. D. MURPHY, M.A., were in attendance.

SCHEME No. 131.—THE GENERAL ORPHAN HOME.

(OBJECTIONS AND AMENDMENTS.)

Rev. Robert Walsh, D.D., attended on behalf of the Protestant Orphan Refuge Society; Mr. J. H. Nunn attended on behalf of the Protestant Orphan Society; Rev. J. M. Hamilton represented the Dublin Presbytery.

Lord Justice FITZGIBBON made an introductory statement, and read the objections to the Draft Scheme. He also read the correspondence with the Commissioners of Charitable Donations and Bequests as to vesting the Endowments in that body, in place of incorporating the Governors proposed in the Draft Scheme.

Rev. Robert Walsh, D.D., examined.

1. Rev. Robert Walsh.—From the beginning I was strongly in favour of realizing the property, and I was glad to see your correspondence with the Commissioners of Charitable Donations and Bequests contemplates something of the kind. I was also glad to see that you were giving our brethren of the Presbyterian Church a share of the property, because we recognize that there were many Presbyterian subscribers, and many of the children Presbyterians. I felt it was possibly fair that St. Peter's Schools should also get some share, because it was a boarding institution and was in the same parish, but we don't like the prospect of friction that might arise by and by from the different circles of trustees.

2. Professor DOUGHERTY.—But if the income was strictly settled by the scheme, I don't see what room there would be for friction?

Rev. Robert Walsh.—I will not pursue the subject, but I would have been glad if an existing body had been made trustees for the charity.

3. Lord Justice FITZGIBBON.—What existing body?

Rev. Robert Walsh.—Either St. Peter's Governors or the Commissioners of Charitable Donations and Bequests. If the premises are sold the Commissioners could not have any objection.

4. Mr. Justice O'BRIEN.—As mere custodians of the fund the best body are the Commissioners of Charitable Donations and Bequests. At the same time trustees might make better use of the money, so as to produce a large income, for if it goes into the hands of the Commissioners, they will merely put it into the public funds.

Rev. Robert Walsh.—I know there are difficulties in the matter.

5. Dr. TRAILL.—Are the rents well secured, or would the Commissioners have to keep the houses in repair?

Rev. Robert Walsh.—I have not seen the leases.

6. Lord Justice FITZGIBBON.—They are fairly permanent, but most of the buildings are very old, and house property is very bad property for a charity to have anything to do with. If it is realised through the Commissioners of Charitable Donations and Bequests they will put it into Concessions. Our trustees under schemes like this are tied to what is called trust security. They cannot be speculating, but they are

able, as a rule, to get from a half to three-quarters per cent. more than could be got from the funds.

Rev. Robert Walsh.—The difference, probably, would not come to more than £2 or £3 a year. Then as to details, if trustees fail to attend, and all that kind of thing, the consequences might be inconvenient. You must get representative men as trustees, and such men are generally very busy.

7. Lord Justice FITZGIBBON.—Could we not name three or five lay gentlemen and associate them with the present trustees in realizing the property?

Rev. Robert Walsh.—We would be entitled with any sensible trustee.

Mr. J. H. Nunn.—That house, No. 7, South Richmond Street, was let in 1883 at a rent of £50 a year, the tenant binding himself to lay out a sum of £500. It is a secured rent.

8. Lord Justice FITZGIBBON.—No doubt they are secured rents but they arise from old house property. Do you think this revenue would sell well?

Mr. J. H. Nunn.—It never would sell to produce anything like the amount of that rent.

Dr. TRAILL.—You could not sell house property for much more than ten years' purchase.

9. Professor DOUGHERTY.—Are you in favour of retaining the property?

Mr. J. H. Nunn.—I don't think anything would be gained by selling it.

10. Lord Justice FITZGIBBON.—From its position, it is probable that in the course of time, it would be worth a great deal, because it is an old house with a garden in front on the high road to Rathmines. There should be power to deal with it, but at the same time with discretion, and not to sacrifice it in a hurry. An immense amount of valuable charity property has been lost by premature sales and lettings.

Mr. J. H. Nunn.—If the trustees had power to sell, it would be no harm.

11. Lord Justice FITZGIBBON.—Do you think it necessary to create a body of ten trustees to exercise this power?

Mr. J. H. Nunn.—Certainly not.

Rev. Robert Walsh.—I don't, if they are merely trustees of the property.

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Oct. 19, 1881.

Rev. Robert
Walsh, &c.

12. Professor DOUGHERTY.—How many would you suggest—three or five? If you were to leave the clergy out do you think that would eliminate the element of discord?

Rev. Robert Walsh.—I would not like that to be hastily passed, but, suppose at some time the secretaryship became vacant, some question might arise, and I cannot bear the thought that there might be friction.

13. Lord Justice FRÉGINSON.—But if we took notice known to every one concerned, the number of trustees might be greatly reduced and their functions confined to dealing with the property.

14. Mr. Justice O'BRIEN.—If the sale of the property remains with the Commissioners of Charitable Donations, there are certain questions inevitable to any other body of trustees that would be avoided.

15. Lord Justice FRÉGINSON.—Of course, but the Commissioners have written "to point out that the houses are at present vested in Mr. John P. Leaver as a trustee, and to suggest whether it would not be practicable for the Draft Scheme to be so framed as that sale could be effected through the instrumentality of that gentleman." If there is any question of management, they do not seem desirous to undertake it.

16. Dr. TRAILL.—If a storm takes the roof off will the Board be prepared to repair it?

17. Mr. Justice O'BRIEN.—The tenant is bound to execute all repairs.

Rev. Robert Walsh.—In the present tenant of the Orphan House bound under covenant to keep it in repair?

18. Lord Justice FRÉGINSON.—He has got a lease, but the moment the lease is assigned these covenants for repair will become of no use except against the premises.

The Rev. J. M. HAMILTON.—On behalf of the Protestant Orphan Society I would like to say that it seems to us very much better to have the houses sold and the assets distributed amongst the three societies to which the fund has been assigned. The difficulty in the management of old house property in the City of Dublin is such that the trustees would, probably have to employ an agent, and possibly an architect and incur other expenses, and would very likely spend all the rents, and the societies would get no money whatever.

19. Dr. TRAILL.—Would you prefer the capital sum realized to be divided amongst them or to remain with the Commissioners of Charitable Donations and Bequests?

Rev. J. M. HAMILTON.—We would prefer to get it into our own hands.

20. Professor DOUGHERTY.—But if one of the societies happened to fail in a few years, would not the money be much safer in the hands of the Commissioners?

Rev. J. M. HAMILTON.—I am only responsible for the Presbyterian Orphan Society, and I think so long as we exist in the century our society will exist.

21. Lord Justice FRÉGINSON.—The Protestant Orphan Refuge Society has a good amount invested, I think.

Rev. Robert Walsh.—We have got £3,600 invested.

22. Lord Justice FRÉGINSON.—What rate of interest do you get?

Rev. Robert Walsh.—It is in debenture stock and in Government.

23. Lord Justice FRÉGINSON.—I think that is all about the management of the property. Now about the objection of the Protestant Orphan Society.

24. Mr. J. H. NUNN.—We did not appear before because we did not know anything about it. We don't object to your giving a share of the fund to any of the societies you name, but we think we have a fair claim ourselves. Our society was established in 1828, its object being "to provide diet, lodging, clothing, and Scriptural education for destitute orphans of Protestant parents and to apprentice them to Protestant masters or mistresses of approved religious principles and conduct." We are limited to Protestants, but children of Presbyterian parents have occasionally been taken in by us. Perhaps we ought not to do so when they have such abundant funds. We had a good deal of capital saved from time to time and invested—we had a capital of about £5,000, but for

some years past we have been obliged to draw upon that, for some people have not subscribed as liberally as they tried, and we have been obliged to reduce it to about £3,000. Therefore it would be a great assistance to us to get a share of this fund.

25. Dr. TRAILL.—Would you spend this capital in the same way if you got it?

Mr. J. H. NUNN.—We hope you will not allow us. 26. Professor DOUGHERTY.—From which of the others do you propose to take away your share?

Mr. J. H. NUNN.—We don't propose to take it away from any of them, but to take a proportion from each.

27. Professor DOUGHERTY.—You propose to reduce the division from three to quarters?

Mr. J. H. NUNN.—I do not want to deprive any one of anything. I want to treat the Presbyterians just the same as any other Church.

28. Professor DOUGHERTY.—We came to the conclusion that this would be a fair proposition. We did not give your society a share, and if you were to get one now I think it almost to reason that it would have to come out of the others.

29. Rev. Robert Walsh.—May I ask Mr. Nunn two questions? Is it not a fundamental rule of your society that none but the orphans of parents both of whom were Protestants shall be admitted?

Mr. J. H. NUNN.—Certainly.

30. Rev. Robert Walsh.—And have not funds been left by will to your society which you have advised your Committee from time to time are only applicable to such orphans?

Mr. J. H. NUNN.—I am not aware that we have any funds left by will applicable only to provide for such orphans except that left by the late Joseph Kiney to provide marriage portions for children of Church parents exclusively.

Rev. Robert Walsh.—I must first consider my own society. For a quarter of a century I have given help to the Protestant Orphan Society every year, so I consider it as well as my own society, but I feel we have a special claim on this fund that places us before Mr. Nunn's most excellent society. Mr. Scott—it is a matter of notoriety—thought he had a mission to his Roman Catholic fellow countrymen, and twenty of his charities were founded with the view of making them share in their benefits. He founded the Priests' Protection Society, and he founded this Home, and called it rightly "The General Orphan Home," and all of us who remember him know that nothing delighted his heart more than when he could get a Roman Catholic child, to teach it what he thought was the truth in the Home. That being so I say we come nearest to his object. We are not in any sense of the word a proselytising society as Mr. Scott's home was to some extent. Our aim is to take care of the orphans of mixed marriages we think do belong to our Church. Therefore we receive the same class of orphans to a great extent that Mr. Scott received into his Home. The Protestant Orphan Society on the other hand, by its fundamental rule, is unable to receive any such orphans. Therefore if you recognise the claim of the Protestant Orphan Society, I think it would be hard to do so at the cost of my society, which is the only one of the three that makes this special claim upon you.

31. Mr. J. H. NUNN.—I believe it is a fact that although the Rev. Mr. Scott would take in a child of any denomination it was for the purpose of training it up as a Protestant he did it.

Mr. Justice O'BRIEN.—Dr. Walsh distinctly avows that was his object.

Mr. J. H. NUNN.—We only take in children of Protestant parents.

Rev. Robert Walsh.—But I say we are not a proselytising institution.

32. Lord Justice FRÉGINSON.—There is a certain class of children who are legitimately Protestant children, whom your society cannot take, Mr. Nunn. The class of children that your society can take, the children of Protestant parents at both sides, are already to a certain extent made sharers in this fund through

St. Peter's School, and also through the Presbyterian Society. I don't know how they manage about mixed marriages.

Rev. J. M. Hamilton.—We receive children who have been connected with our Church whether they be the children of mixed marriages or not.

33. Professor DOUGHERTY.—You are not allowed to take in children that don't belong to you?

Dr. TRAILL.—That is rather in favour of Mr. Nunn's argument.

Lord Justice FRYGROVE.—But that bears out what I say that both these other things go to this class of children.

Dr. TRAILL.—But that is of no use to Mr. Nunn.

Mr. J. M. Nunn.—You deal with the fund on the principle that it was originally intended for the support of destitute children, and you selected the others not knowing anything about us, who were not before you at all. If you deal with the fund in that way I don't see how we could be distinguished from the others.

34. Mr. Justice O'BRIEN.—Was there anything on the face of the bequest or endowment that impressed upon it this proselytising object?

Rev. Robert WALSH.—No.

35. Mr. Justice O'BRIEN.—Would not the terms say Mr. Nunn's Society as well as yours?

Professor DOUGHERTY.—Not to the same extent, one of those charities being a local society, while the other receives children from all parts of the country.

Rev. Robert WALSH.—No, we are both diocesan societies. In 1823 the first Protestant Orphan Society was founded in Ireland, and took under its care all Protestant Orphans. In a few years the majority of the Committee determined to confine their attention to the orphanage of purely Protestant parents. Then the second society as it were branched off. They both became the parents of the diocesan societies, and now in almost every diocese there is a Church Protestant Orphan Society, but the parent societies in Dublin alone have continued this distinction as to the objects.

36. Mr. Justice O'BRIEN.—How would you contend that the proportion of the Presbyterian body should not be allowed to stand at one-third entirely distinct from this sub-controversy?

Rev. Robert WALSH.—I do not like to say a word about it. I am truly glad my Presbyterian brethren have got their share of it.

37. Professor DOUGHERTY.—Would it meet the case to let the trustees allocate the money between the three societies of the said church?

38. Lord Justice FRYGROVE.—It is right to call attention to the foundation. The general rules are printed in every report, and the first is as follows:—"That orphans of deserving parents of all religious denominations shall be eligible to be admitted to the protection of the Home, either as internal or external pupils." No. 2.—"That the orphans shall be placed by the guardians, as the case may be, within the orphan house or in the country at nurse, there to be trained up in the nurture and education of the Lord." Then there is at the head of the report—"General Orphan Home, 7, Richmond-street, Portobello, Dublin, founded 1851, for the care of destitute orphans of all classes, internal and external. It is conducted simply on Christian principles as broad as the Gospel and as wide as the Kingdom of Heaven. Its chief object is to Christianise and save the children, who are eligible for admission from any place. Minors are requested to solicit contributions in aid of the institution, as it has claims on Christian sympathy and is designed to become a general home for orphans in Ireland, male and female." Among the patrons, vice-patrons, and guardians, we find the Rev. A. King, Rev. Thomas Scott, Rev. J. J. Black, D.D., Rev. R. G. Jones, Rev. John White. We are told that the Rev. J. J. Black was a Presbyterian. How many of these were not clergymen of the Church of Ireland?

Rev. J. M. Hamilton.—The Rev. A. King was not, and the Rev. John White was a Congregational Minister in Belfast.

Lord Justice FRYGROVE.—Therefore it is plain that although all the guardians of the charity were Protestants, they included all Protestant denominations, and in that respect it was general, and we can easily understand why the proportion of the Church clergy was not large, as they naturally preferred to support more strictly denominational institutions.

Mr. Justice O'BRIEN.—It would not occur to us that on the terms of the foundation any distinction could be deduced in favour of the non-religious class of children represented by Mr. Walsh as against Mr. Nunn.

Professor DOUGHERTY.—The claim made on the previous occasion was that the Society which Dr. Walsh represents had as the sphere of its operations the whole of Ireland.

Rev. Robert WALSH.—No.

Mr. J. H. Nunn.—Our Society has had to refuse orphans from districts where local Protestant Orphan Societies exist.

39. Professor DOUGHERTY.—Do societies constituted similarly to yours exist throughout the different counties?

Mr. J. H. Nunn.—I think there is a society in each county. We have had a case of a child whose parents died in Dublin, although locally connected, who would not be taken by the local society, and we took him in.

40. Rev. Dr. MONTAGU.—Would it satisfy your claim if one-third was left to the Presbyterian Body and the remaining two-thirds were divided into three equal parts, you getting one of them?

Mr. J. H. Nunn.—I thought we ought to share equally with all the others. Of course we would take what we can get.

Rev. J. M. Hamilton.—I think in the list of Governors that was read out, there was not a solitary clergyman of the Protestant Episcopal Church but the Rev. Thomas Scott.

41. Lord Justice FRYGROVE.—Let us see if we can ascertain how many there were. The first guardian is the Honorable Mrs. Curzon Smith?

Rev. Robert WALSH.—Mrs. Curzon Smith was a well-known member of the Church of Ireland.

42. Lord Justice FRYGROVE.—Mrs. E. P. Smyth?

Rev. Robert WALSH.—Also a well-known member of the Church of Ireland.

43. Lord Justice FRYGROVE.—Mrs. John Prior, Rev. A. King, Rev. Mr. Scott, Rev. J. J. Black, Rev. R. G. Jones, Rev. John White?

Rev. J. M. Hamilton.—He was a Congregational minister in Belfast.

44. Lord Justice FRYGROVE.—Alderman Bonall, P. J. Marjoribanks, Esq., James Thorley, Esq., and Colonel Warburton.

45. Dr. TRAILL.—What is the proportion of the Presbyterians in Dublin to the members of the Church of Ireland?

Rev. J. M. Hamilton.—About one-eighth—there is in the city.

46. Of the poorer population?

Rev. J. M. Hamilton.—I could not say that. It is the means of reaching many families connected with the Dublin congregations and enables them to educate their children.

47. Do you get subscriptions from all parts of Ireland?

Rev. J. M. Hamilton.—From the whole of Ireland. So far as the Protestant Orphan Society is concerned I felt on one or two occasions uneasy at their action. Children belonging to us have been left destitute, and while I was preparing to place these children on my list the Protestant Orphan Society, which seems to be able to move quicker than we can, removed the children to the country, as it seemed to me in a sort of proselytising manner such as could not command itself to me.

Mr. J. H. Nunn.—We never took a child away. Children must apply to us for admission on a printed form.

Oct. 12, 1891.

Rev. Robert
Walsh, &c.

Oct. 12, 1924.
Rev. Robert
Walsh, D.D.

48. Professor DOUGHERTY.—You told us yourself you occasionally took Presbyterian children?

Mr. J. H. Nunn.—But we don't go to look after children as Mr. Hamilton suggests.

Rev. J. M. Hamilton.—I have two cases in my mind of children having been carried off to a distant county in order to admit them to a Protestant Orphan Society.

Rev. Robert Walsh.—I can only say on behalf of my society that we would be deeply grieved if such a thing occurred.

49. Lord Justice FRINGGROSS.—According to the list of Protestant Orphan Societies at present established in Ireland, there seems to be only one or two counties that have not separate organizations.

Rev. Robert Walsh.—There are or two counties may be connected with some other. For instance, Wicklow does not appear on your list, because it is included in the two Dublin societies.

Lord Justice FRINGGROSS.—Then practically every county is represented, and the total number of orphans now supported is 2,638. Of these the Protestant Orphan Society is down for 159, and the Protestant Orphan Refuge Society for 61.

50. Professor DOUGHERTY.—How many orphans are under the Presbyterian Society?

Rev. J. M. Hamilton.—3,500 all over Ireland.

51. Mr. Justice O'BRIEN.—Is there any institution in Dublin?

Rev. J. M. Hamilton.—Only one. It is not connected with the Orphan Society, but with the Ormond Quay congregation.

52. Dr. TRAILL.—Have you any Dublin orphans as such?

Rev. J. M. Hamilton.—We have a considerable number. In my own congregation I have two families. Nine children in one family, some of which have gone off.

53. Dr. TRAILL.—The Protestant Orphan Society have 2,638 for the whole of Ireland. I find 159 belonging to Mr. Nunn's Society, and 61 belonging to Mr. Walsh's Society, and I want to know the corresponding number in your society?

Rev. J. M. Hamilton.—I could only give that by communicating with Belfast, because we don't publish a list.

Professor DOUGHERTY.—It doesn't appear to be of any importance because the General Orphan Home was not confined to Dublin.

54. Lord Justice FRINGGROSS.—The children that were in it were not Dublin children only, and at the time it was broken up a number of them were sent back to the country. On the first page I open of the register there are fifteen children, of these the first six are from Dublin, then come one from Bathmash, one from Wexford, two more from Dublin, two from Kerry, another from Wexford, one from Tipperary, and one from Down. On another page I see Dublin, Meath, Cork, St. Peter's, and St. Paul's parishes, Dublin, King's County, five from Dublin, and then one from Jersey. The majority came from Dublin, and under this scheme more than a majority of the money would go to Dublin, but I feel that our scheme will not follow the *ex gratia* principle unless some of the money is made available for country children.

Mr. J. H. Nunn.—We are not under our constitution precluded from taking children from the country.

55. Lord Justice FRINGGROSS.—It was only through what we gave to the Protestant Orphan Refuge Society that country children would come in at all.

56. Dr. TRAILL.—I thought the work of your Society was limited to Dublin, Dr. Walsh?

Rev. Robert Walsh.—In any county where the local society does not take under its care the children of mixed marriages—and there are three such—we take children from the country.

57. Of the sixty-one on the list how many came from the country?

Rev. Robert Walsh.—I should certainly say five or six, but we would take others if they applied.

58. Are you not the natural complement of the Protestant Orphan Society?

Rev. Robert Walsh.—No, a distinct society.

59. Dr. TRAILL.—The Antism and Down Societies are doing far more business than both of you put together. There have been 1,454 orphans provided for in these counties, and at present there are 655 under their care.

Mr. Justice O'BRIEN.—Mr. Hamilton represents all Ireland.

Rev. Robert Walsh.—I can now answer your question, Dr. Traill, with some accuracy. We have now two children from Fermanagh, two from Cork, two soldiers' children from what county we cannot tell, and four from India.

60. Mr. Justice O'BRIEN.—How did these children from Cork find their way to you?

Rev. Robert Walsh.—By the application of the surviving parent.

61. Mr. Justice O'BRIEN.—That does not remove from my mind the impression that your society resembles Mr. Scott's society.

Rev. Robert Walsh.—I can only say that nothing would grieve me more deeply than to think that the society had ever been guilty of proselytism.

Mr. Justice O'BRIEN.—I give entire credit to your statement, Mr. Walsh.

Lord Justice FRINGGROSS.—In the report for 1888 of the Presbyterian Orphan Society the numbers were 3,460 at the commencement of the year and 2,463 at the end. Of these 2,105 were fatherless and 160 had lost both parents.

62. Dr. TRAILL.—Could you find out how many of these children belong to Dublin, Mr. Hamilton?

Professor DOUGHERTY.—If you go into this classification it will not be of the smallest assistance to us.

Rev. J. M. Hamilton.—The number of children on the books of the society in Dublin at present might include a considerable number who were allocated as residents in Belfast because we allow the children and their parents to move about anywhere through Ireland.

63. Dr. TRAILL.—I only want to know, on the general figures of this table, how many of them belong to Dublin?

Professor DOUGHERTY.—If that is your object you ought to include the number of Presbyterian Orphans supported from any source in Dublin.

64. Dr. TRAILL.—I am asking for information which I have a right to get, and if Professor Dougherty wishes it suppressed he may if he likes, but I have now to repeat my question—how many of the 2,453 orphans whom you are maintaining belong to Dublin, giving it the most liberal interpretation?

65. Professor DOUGHERTY.—I ask you to supplement that return by adding to it the number of Presbyterian orphans supported by charitable contributions in the city of Dublin.

66. Mr. Justice O'BRIEN.—You want to have the basis of population, Dr. Traill?

Dr. TRAILL.—Oh, no; I merely want to know how many of these children belong to Dublin proper.

67. Lord Justice FRINGGROSS.—Mr. Hamilton, you can make out the return Dr. Traill asks for and send it in at your leisure, but I must point out that it will not give me the slightest assistance. This scheme does not fairly benefit the whole of Ireland, and we had no society to which we could give the money that would represent the whole country in the general way Mr. Scott originally intended. If we had done what was strictly logical we should have divided the money amongst all the orphan societies in Ireland. That is the *raison d'être* of the whole of the argument, and our statistics. The reports of the General Orphan Home show that every part of Ireland is represented on the register of children, and the money is not Dublin money to any appreciable extent. Nineteen-twentieths of the subscriptions are from English or country people, and anyone who knew Mr. Scott and the particular school to which he

belonged will know that the class from which these subscriptions were derived were not the Dublin Protestants. The weakness of the Scheme is that it gives too much to Dublin. Mr. Walsh's society—to a certain extent a similar one—goes to some extent outside Dublin. Mr. Nunn's, also to a certain extent a similar one, hardly goes at all outside Dublin. Each society has now made some provision for itself, while the parent societies continue, like a man that has sent his children out into the world, to live on the old house, where there are now only Dublin children left. It would be absurd to divide £700 amongst 35 societies.

68. Dr. TRAILL.—That is why I want to see who is entitled to it in Dublin.

69. Lord Justice FITZGERALD.—As far as the original foundation goes every Protestant society in Ireland, of every denomination, seems to me to have an equal claim with Dublin.

70. Professor DOUGHERTY.—As I understand, Mr. Nunn is willing to leave the entire allocation of the two thirds to the trustees appointed under the Scheme. Would Dr. Walsh be willing to accept that solution?

Rev. Robert Walsh.—I would rather have an allocation once for all.

Lord Justice FITZGERALD.—What Professor Dougherty suggests is only shifting over to other people what we ought to do ourselves.

71. Mr. Justice O'BRIEN.—I would like to ask a question of Dr. Walsh. There is a curious account in the report of the orphan house of a child, "Robert Fitz, intern, aged 34 years, Dublin. Both parents dead. Father murdered." That child was in all probability a Roman Catholic I would say. Here is another remarkable entry, "William James, intern, aged 11 years, Bathmanore, father dead; mother living, but unequally yoked to a second husband."

Rev. Robert Walsh.—I hope your lordship does not hold me as knowing the mind of Mr. Scott.

Mr. William GERRARD.—I desire to read an extract from the minutes of my Board of July 1, 1891:—

"General Orphan House. Mr. GERRARD read letter from the Educational Endowments Commissioners, dated the 24th June, 1891, of which the following is a copy:—Ordered.—I. That the Secretary convey to the Educational Endowments Commissioners the desire of this Board to assist in effecting the object it has in view, but that he suggests whether it could not be effected through the instrumentality of the existing Trustees. II. That he further inform the Educational Endowments Commissioners that in the event of its being found impracticable to accomplish the object in the manner suggested, the Board will be willing to take an assignment of the property for the par-

pose of sale as the understanding, however, that the arrangement shall be such as will enable it to give an unimpeachable title to the purchaser."

72. Lord Justice FITZGERALD.—Is the house let at £40 a year held by a solvent tenant?

Mr. William GERRARD.—I am sorry to say not. The tenant applied to have her rent reduced on the ground that she cannot pay it. The application was referred to Mr. Moffett, as agent of the charity, and he reported against it. The Board, therefore, declined to accede to the application, but she is a widow with a large family, and, I am afraid, will not be able to pay it.

73. Lord Justice FITZGERALD.—Do you know the interest of the tenants in the other houses?

Mr. William GERRARD.—There are two small tenants, from whom Mr. Moffett collects the rent, and they are not very punctual.

74. Lord Justice FITZGERALD.—Then you don't regard these rents as what is called well secured rents?

Mr. William GERRARD.—I don't think you could treat them as well secured rents, rather the contrary. I am avoiding the failure of the present assignee of part of the property. She has got an enormous rent, £40, to pay.

75. Professor DOUGHERTY.—Is it salable property? Mr. William GERRARD.—I am afraid it would bring very little.

76. Professor DOUGHERTY.—Is there not some connection with the *Maison de Dieu*?

Mr. William GERRARD.—A committee of ladies some time ago wished to take over this school, and the Board had the place examined sanitarily by Sir Charles Cameron, but in consequence of its proximity to the *Maison de Dieu*, and for other reasons they could not recommend it.

77. Mr. Justice O'BRIEN.—Who are in charge of this *Maison de Dieu*?

Mr. William GERRARD.—It belongs to a number of private persons, doctors.

78. Mr. Justice O'BRIEN.—Didn't Seaver, the trustee, make a new letting of the property to some body?

Mr. William GERRARD.—Seaver let to Strong at £10, and Silke, the bacon merchant in Richmond-street, purchased the interest of Strong at £400.

79. Mr. Justice O'BRIEN.—Has he got a new lease?

Mr. William GERRARD.—No.

80. Mr. Justice O'BRIEN.—He is merely assignee of Strong?

Mr. William GERRARD.—Yes.

Lord Justice FITZGERALD.—However, there is an undoubted interest in the place, and Strong laid out money in building.

The sitting concluded.

Oct. 12, 1891.
Rev. Robert
Walsh, &c.

PUBLIC SITTING—TUESDAY, OCTOBER 13, 1891.

Oct. 13, 1891.

At the Office, 23, Nassau Street, Dublin.

Present:—The Right Hon. Lord Justice FITZGERALD and the Right Hon. Mr. Justice O'BRIEN, Judicial Commissioners; and the Right Rev. GERALD MOLLOY, D.D., D.C., ANTHONY TRAILL, Esq., LL.D., M.D., F.T.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Secretary, WM. EDWARD ELLIS, LL.B., and the Assistant Secretary, N. D. MURPHY, M.A., were in attendance.

SCHEME No. 114.—LIENABOE ENDOWED SCHOOL.

(OBJECTIONS AND AMENDMENTS.)

81. Lord Justice FITZGERALD made an introductory statement. He said that objections had been received from Captain Douglas, the trustee and representative of the Mitchell family, and Mr. Nathaniel Hans Dye, jointly. Their first objection was:—

"We think Lienaboe School is exempt from the spirit of the Act. It is a private endowment and has always been under the exclusive control of Protestants of the Church of England and Ireland. It is being properly conducted and there is no excuse for interference."

It is not exempt from the Act, for, although a private endowment and under the control of persons of one Church, the objects of the charity were not confined, in law or in fact, to any one denomination, they were the poor children of the parish, and in fact there had been from time to time Roman Catholics and Protestants of other denominations attending the school.

Mr. Nathaniel Hans Dye.—We only permitted them as we permitted Roman Catholics, they did not attend as a matter of right.

82. Lord Justice Fitzgerald.—If there is anything further you wish to add on that point it is in our duty to consider it. As regards there being no excuse for interference—no doubt the school is properly conducted in a sense, but Mr. Dwyer himself referred to the expense of getting trustees appointed, and other matters were pointed out that led us to the conclusion that an extension of the usefulness of the school, which is the only object we have in view, would result if the governing body were made permanent and more in accordance with the changes of the times since 1818.

Mr. N. Hous Dwyer.—I merely meant if you had discretion it was a case in which you might exercise that discretion.

83. Lord Justice Fitzgerald.—You next ask the Commissioners, if they consider it within the Act to treat it as Denpoy School, Kells, and Hevey's Schools, Mullingar, and not interfere. There are two special cases, and both schools are worked as efficiently as possible. Denpoy School is being carried on by the trustees for the benefit of the persons who were the objects of the testator's bounty, and in the Hevey's case a further point of law arose, involving, if we attempted to interfere, a risk that the heir-at-law might come in and take the whole property. The objection states:—

"The Scheme is objectionable in many parts, especially clause 7, as the Governors would not qualify, and there being a quorum introduced dissolved, and possibly succeed in removing the school from the estate, and so defeat the founder's intentions which were primarily the education of the children on the Mitchell Estate."

If we come to the conclusion after this conference to-day that we should proceed with the preparation of the Scheme, the formation of the governing body is a matter which we shall be very glad to fully consider. The existing trustees are the Bishop, Mr. Douglas, one of the owners of the estate, Mr. Dwyer, Mr. Peyton, the clergyman of the parish, and Mr. Dwyer, junior. As present they are appointed by deed and co-opted from time to time. There is a provision in the original instrument that they are not to be resident out of Ireland. And we propose that if the owner of the estate happens to be resident out of Ireland, he may appoint some person to act in his place, and to represent him. The objection of Captain Douglas proceeds:—

"It further appears to me that the Scheme is directly opposed to the intentions of the founder, who in laying it down that the children attending this school, placed in the midst of his own Protestant tenants, should be educated in the faith and fear of God, and in the principles of the Christian religion—in providing that the trustees should be members of the Church of England and Ireland, himself being a clergyman of that Church, intended that religious education was to be given in accordance with his own, the Protestant faith and doctrine, exclusively for the sole benefit of those of his own particular religious denomination. The first matter was appointed by himself and under his own personal direction acted up to those conditions; the school was to be a charity school for the education of the poor, in religious education as above, and in named subjects, being the simplest form of primary education. Now the whole Scheme appears to me to tend to the school's transformation from its original and proper use, and to make primary education of quite secondary consideration, and even contemplates the possible removal of the school and sale of buildings, &c."

This direction is based entirely on misapprehension. As regards the class of the education, it is a sort of objection that we very frequently hear put forward. It is one of the worst results of personal management of private endowments that there is scarcely an effort made to go above the lowest grade of primary education. Everywhere we have Protestant Endowed Schools kept at the low level of fifty or sixty years ago, because personal trustees prefer to let their work along on their own lines rather than take the assistance of the State for primary education, and apply the endowment to get something better for the most promising pupils. The Scheme will not by any means divert the money from the

intentions of the founder. It is intended rather to give the objects of his bounty an education which could not have been given at the time of the foundation. The real object is to give the best education, according to the circumstances of the day, that can be given in the Institution, and the most useful application of endowments of this kind is to supplement the funds which are now available from other quarters and to enable the trustees to give a better education than they could otherwise give, and which they cannot give unless they take advantage of the public funds now available for providing elementary education. Of course we should provide against any possible removal of the school to a locality other than that for which it was intended. This removal clause is intended to apply only if the premises should become unsuitable or if better premises were available. It should be limited, and should not be made available all unless the change would clearly be for the benefit of the charity. Captain Douglas next objects that section 10 (d) gives powers to apply part of the endowment to help pupils to obtain advanced education elsewhere. Surely where a child has been advanced in a school such as this as far as the school goes, there is no more useful application of an available endowment than to start or advance a clever and deserving child in life. If the trustees object to the power, they need not exercise it, but all these enabling powers are sometimes useful. Lastly, Captain Douglas says:—

"The appointment of Governors of the Select Vestry I consider objectionable, and still more so that of additional Governors to be elected by subscribers; such appointments would lead to dissension and dissatisfaction, instead of the beneficial and satisfactory management which has always existed hitherto."

This proposal was made with the view of giving the inhabitants of the locality and the parents of the children some voice in the management of the school. It ought not to be a permanent voice, and the scheme proposes only one person in seven to be elected by the parishioners. As regards the representation of subscribers it should be borne in mind that the former contemplated subscriptions and donations. He never intended that his £60 was to be the sum total of the means of this Institution, for provision was made that the trustees were to employ the annuity as prescribed, and that all subscriptions or casual donations were to be applied in purchasing books, paying the expenses of the school, and for prizes. If you have no subscribers you will have no representation of subscribers, and I make the same remark that I did with regard to the select vestry, the representation of the subscribers should not be such as to swamp the representation of the original founder. The scheme gives no representation unless there are twenty or more subscribers, each of not less than £3 in one sum or six shillings annually, and there are not in any case to be more than two representatives of subscribers.

Mr. N. Hous Dwyer.—I understand that £10 would bring in a governor and another £10 would bring in another, and these two would be able to turn something apparently harmless in the school into a troublesome one. Look to the last portion of clause 7:—

"The qualification entitling a subscriber to vote during his life shall not be less than £3, and the qualification entitling a subscriber to vote for one year shall not be less than 10s."

84. Lord Justice Fitzgerald.—But they are not to elect at all until there are twenty or more subscribers. The subscription is all matter of detail on which we shall be glad to consult your wishes. The first question is whether it would be advantageous to have some representation of subscribers. You will not get subscriptions from people to whom you refuse to give any voice at all in the management of the school. On the other hand a limited representation of subscribers would lead to your getting help, and we can guard against discord. As a rule the schools that have

the largest body of subscribers are the most prosperous. Some of the best schools in the north of Ireland are entirely supported by subscriptions, and all the governors are elected by the subscribers. However, the first matter is whether you should take the present opportunity of getting a scheme which would get rid of any difficulties or whether we are to leave the endowment as it is.

Mr. N. Howe Dyas.—The Rev. Mr. Peyton, who is here is a trustee as well as myself, and I have had conversations with Captain Douglas, who could not attend.

52. Professor DOCUMENTY.—Is the bishop able to attend?

Rev. Mr. Peyton.—He wrote to me to say that having had before him the suggestions of the trustees he fully agreed with them.

Mr. N. Howe Dyas.—I am answer for Captain Douglas.

53. Messenger MORTON.—You are quite decided about it?

Mr. N. Howe Dyas.—We are quite decided that we cannot accept the scheme. I am quite prepared to go through it, section by section, and point out the objections.

54. Mr. Justice O'BRIEN.—How did it happen that so large a sum as £16 was expended on the appointment of the new trustee?

Mr. N. Howe Dyas.—There was an endowment of £1,000 and that is in mortgage, and of course there was something to pay in costs as legal proceedings were necessary.

55. Messenger MORTON.—If the scheme were amended to meet your views would you object to it still?

Mr. Justice O'BRIEN.—The way he thinks it should be amended would be to put an end to it altogether.

56. Messenger MORTON.—Is your opposition such, Mr. Dyas, that it cannot be amended so as to meet your objections?

Mr. N. Howe Dyas.—I would be quite prepared to suggest amendments that would make it considerably less objectionable, but unless it is perfectly conclusive that we think due weight is given to the intentions of the founder we cannot accept it.

57. Professor DOCUMENTY.—Which course would you prefer—amended or ended?

Mr. N. Howe Dyas.—Ended.

58. Lord Justice FRANKLIN.—Then you wish to go on spending £15 of this small endowment every year you appoint a new trustee; furthermore the deed provided for five trustees, and as the thing stands now, these trustees should have certain qualifications which they don't possess. As a matter of fact the members of the parish could be put off, and the owner of the estate, if he did not live in the country, could not be so.

Mr. N. Howe Dyas.—The answer to that is that the thing has worked rightly and properly, and I have no doubt it will continue to do so.

59. You must clearly understand that we have no object in the matter except to use our powers for the benefit of the endowment, and we want to do so in accordance with the intentions of the founder. The real advantages we can offer to an endowment situated as this is, are a permanent constitution, a saving of expense, and an extension of the powers of administration to meet modern requirements.

Rev. Mr. Peyton.—Mr. Dyas mentioned that the £16 expended included a matter regarding the bequest of £1,000. It would not take £15 in the event of a trustee being required to be appointed each time.

60. The evidence we have had in other cases would lead to the conclusion that this charity was rather fortunate in being charged only £15.

Rev. Mr. Peyton.—That £16 included the settlement of the £1,000.

Mr. N. Howe Dyas.—Since that occurred it has not cost £1 per year.

61. Dr. TRAILL.—Even supposing the endowment

exclusively belonged to the Church of Ireland, would it not be better to have the scheme amended than to remain as you are?

Mr. N. Howe Dyas.—It is an exclusively Church school.

62. Mr. Justice O'BRIEN.—You are wrong in that. The Act of Parliament is against you. The terms of the Act of Parliament leave no doubt about it.

Mr. N. Howe Dyas.—Our interest in the governing body is such, and the intentions of the founder were such, that there is no room for doubt.

63. Dr. TRAILL.—The real point is that the governing body is in your own hands.

Rev. Mr. Peyton.—The intention of the founder was that it was exclusively for Church children.

Mr. Justice O'BRIEN.—Certainly not. That has been decided by several lawyers against you.

Rev. Mr. Peyton.—I think the deed that has been read shows his intention.

Mr. Justice O'BRIEN.—Theologians are sometimes given to deciding questions of law.

64. Lord Justice FRANKLIN.—The words of the deed of 1818 are:—

"Whereas the foundation and support of charity schools for the education of the poor in the faith and fear of Almighty God, and in useful learning, is of the utmost importance to the well-being, honour, and happiness of the Kingdom."

There is nothing pointing to any particular form of Christian belief in that general recital. Then, after dealing with the property, there is this clause:—The trustees

"shall forthwith, or as soon as conveniently may be, appoint some fit and proper person, being a member of the United Church of England and Ireland, of sober and unblemished life and conversation, and competent to the instruction of children in reading, writing, and arithmetic, to be master of the said school of Lincolne, and in case any girl shall be admitted in the said school, to appoint the wife of such schoolmaster to be mistress of the said school, if properly qualified for that purpose, or if such schoolmaster shall not be married or if his wife be not so qualified, some other fit and proper person to be mistress of the said girls."

Then after conferring powers of dismissal, it proceeds:—

"And it is hereby further declared and agreed that it shall be the duty of the said schoolmaster and of the schoolmistress, if any such there be, for the time being, to instruct and educate to the best of his and her power and ability all such of the poor children of the inhabitants of the said parish of Lincolne, or of some of the adjacent parishes, as shall apply for admittance into and conform to the rules of the said school, limited to such number as the trustees for the time being, or the major part of them, for the time being shall appoint, in the principles of the Christian religion, and in reading and writing, and casting accounts, and other proper and useful learning, for poor children, and also at such school fees as shall be ordered by the said trustees or the major part of them for the time being in some real manual occupation, trade, or manufacture, without receiving any reward, gratuity, or salary, from any of the relations or friends of the said poor children, other than such or shall from time to time be ordered by the said trustees, or the major part of them, for the time being. And in all respects to obey, conform to, and carry into effect all such rules and regulations and bye-laws, &c."

On the construction of that deed the trustees might fix the number of pupils to be taught, but all poor children of the parish who applied and were willing to conform to the rules would be eligible and should be taught "the Christian religion." Mr. Dyas informed us that there were Methodists and Presbyterians—Protestants of all denominations—in the school now, that would bring the school under the Act as an endowment intended for different denominations of Protestants, even if it was not intended or suitable for Roman Catholics.

Mr. N. Howe Dyas.—I never said they were there as a matter of right. They were merely permitted.

65. Mr. Justice O'BRIEN.—Is not the new governing body exclusively Protestant in its nature?

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Mr. N. Hone Dyas.—No, it is left open. You provide for these additional governors.

99. Dr. TRAILL.—Why don't you ask that they shall be members of the Church of Ireland?

Mr. N. Hone Dyas.—You will take our objection formally—that we object to the founder's intentions being set aside. We are willing to discuss the scheme, section by section, but we still hold that we don't come under the Act.

100. Lord Justice FRYGIMON.—That is the sensible way of dealing with it. If you think we are wrong in our law you can take the opinion of the Privy Council, but it is right to remember that you have always had the estate, and the family of the founder represented on the governing body. There are two changes that may take place: the founder's family may become members of some other religious denomination, or the estate may be sold, and either pass into the hands of members of another Church, or may be divided so that there would be no longer anybody to represent the estate. There are events to which a sensible person would look forward, and if these things happened, and dissension or inefficiency resulted to the school, the only resource would be Chancery to administer the trust, and there the trust fund might end. We had an instance lately where the whole estate was administered in costs, except £5, for which we had to settle a scheme.

Rev. Mr. Peyton.—I had no intention of interfering with the lawyers, but we wish to have the intentions of the founder carried out properly, and I hold that his intentions were that not only were the children to be instructed in the Christian religion, but more definitely in the principles of the Church of Ireland. He was a member of the Church of Ireland, and when he says "according to the principles of the Christian religion" he evidently intended the views which he himself held as a member of the Church of Ireland.

Professor DOUGHERTY.—That is an ingenious inference, but we cannot go beyond his intentions as expressed in the deed.

101. Dr. TRAILL.—But surely you can secure that still, Mr. Peyton. No one could go into the school to teach except yourselves. We will guard you on this point if you will only allow us. The scheme expressly provides that the master and mistress shall be Protestants.

Rev. Mr. Peyton.—Suppose Roman Catholics came there, and claimed to come by right?

Dr. TRAILL.—Then would come in the conscience clause, as in the case of National schools.

Rev. Mr. Peyton.—I consider it was the intention of the founder that the instruction should be in the principles of the religion of the Church of Ireland, to which he belonged, and that therefore if Roman Catholic children chose to come in the rules were such that they should be so instructed.

Mr. N. Hone Dyas.—First as to the preamble, I think there might be inserted the words as in the original deed that the school was for the education of the poor "in the faith and fear of Almighty God," and in reading, writing, and arithmetic, and the principles of the Christian religion.

102. Mr. Justice O'HANES.—That is the rectid; it is not the granting part of the deed.

Mr. N. Hone Dyas.—But it does not appear in the scheme, and I would ask that it should appear.

103. Lord Justice FRYGIMON.—I think it ought to be introduced. In all these cases, the schemes should show the provisions of the original foundation that indicate the intentions of the founder. There are other provisions about industrial training which you don't attend to, and which should be rectified also. I will take a note to rectify all the provisions of the deed of foundation in regard to education, religious and secular.

Mr. N. Hone Dyas.—The scheme recites "Mrs. Charlotte Amelia Mitchell's Will." I have never been able to get the will. I wrote to Mr. Douglas for a copy of it, and it appears that this money was left for the

use of charities. Unfortunately, he only sent an extract, and the words are that she leaves the money to the trustees for the time being "for books, clothing, and materials for work." It appears then that, although we have not been acting upon it, we have a right to provide any poor children with clothing. The gift was not merely for the school.

Lord Justice FRYGIMON.—We had a very similar case in Donaghadee.

Professor DOUGHERTY.—The want of clothing often prevents children from going to school.

Mr. Galloway.—I made a search for this will but I cannot find it. I don't think it was proved in Ireland.

104. Mr. N. Hone Dyas.—Can you insert this additional provision from the will?

Lord Justice FRYGIMON.—Certainly. Where there is one fund as here, of which one of the trusts is for clothing, and another fund, such as the rent-charge, which is not applicable for clothing, we can simply the trust, allowing you to treat the endowment as one fund, apportioning part for the one purpose and part for the other.

Mr. N. Hone Dyas.—On page 4, whether technical education was really within the original intention I will not say, but for my part I should be sorry to limit the education to what it was formerly.

105. Lord Justice FRYGIMON.—Recollect the definition of primary or elementary education is such education as is given in National schools. They all give some technical instruction and there is a new programme extending it. You ought not to limit your powers as regards the quality of the instruction.

Mr. N. Hone Dyas.—"The ecclesiastical Governors shall be the Bishop and the Incumbent both for the time being"—that is right—"of the representative Governors one shall represent the parishes adjoining the parish of Cloughish." Mohill is one of the adjacent parishes. It is eight or ten miles from the school, and by no possibility could the children attend.

106. Lord Justice FRYGIMON.—You gave us a list of these parishes that adjoin Cloughish, and Mohill is within the terms of the deed.

Mr. N. Hone Dyas.—I am not sure if we were across the Shannon that there is not a parish that would adjoin.

107. Lord Justice FRYGIMON.—Are all the others, besides Mohill, practically adjoining parishes?

Mr. N. Hone Dyas.—Yes, they are.

Rev. Mr. Peyton.—We have got no pupils from Killybegs, Templemore, or Killybegs.

108. Mr. Justice O'HANES.—You may have persons selected from places like Killybegs.

Mr. N. Hone Dyas.—I think it would be better if it were struck out, because it would cause unpleasantness if a clergyman from another parish came and interfered with the management of the school.

Dr. TRAILL.—I think that is reasonable enough. That particular kind of representation might go out.

109. Lord Justice FRYGIMON.—Would you have any objection if another clergyman was elected as the representative of the Diocesan Council. That is a matter of detail, but you would probably have a better selection if the Diocesan Council were to appoint.

110. Mr. Justice O'HANES.—There is a clergyman named in the scheme, I presume there was no objection to him.

Mr. N. Hone Dyas.—I put in Mr. Wilson.

Rev. Mr. Peyton.—The Rev. Dr. Patterson who is here mentioned was the sole representative of the adjoining parishes.

111. Lord Justice FRYGIMON.—You say that Killybegs and Killybegs have nothing to do with it.

112. Mr. N. Hone Dyas.—Are you not leaving these out now?

Dr. TRAILL.—Yes.

Mr. N. Hone Dyas.—Then let the appointments be made by the Diocesan Council—one layman and one clergyman, Dr. Patterson.

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Rev. Mr. Peyton.—I would have no objection if the clergyman of Templemichael parish was to be a clerical representative governor, and not give the Diocesan Council power to appoint a clerical representative.

113. Lord Justice Fitzgerald.—Would you rather have the incumbent of Templemichael as official?

Rev. Mr. Peyton.—Templemichael is a most important parish, and we generally have one of the leading clergymen of the diocese in it.

114. Dr. TRAILL.—Would not the Diocesan Council be likely to appoint the Rector of Templemichael?

Rev. Mr. Peyton.—I have some experience of the Council, and I can only say that if the Council have the appointment we don't know what other man's aims and feelings are. Templemichael is the premier parish in the diocese.

115. Lord Justice Fitzgerald.—Mr. Dyas would prefer that there should be two governors appointed by the Diocesan Council, one lay and the other clerical, and Mr. Peyton would prefer that the incumbents of Templemichael should be a governor as official, in which case I presume two laymen should be appointed by the Diocesan Council.

116. Mr. Justice O'Brien.—Do you wish the Incumbent of Templemichael to be one of the governors?

Rev. Mr. Peyton.—Yes, it is only natural that he should be one of the Governors as official.

117. Lord Justice Fitzgerald.—Then we understand Mr. Dyas makes no objection to that.

Mr. Justice O'Brien.—The National Board take local clergymen as patrons and managers.

118. Lord Justice Fitzgerald.—Of the gentlemen named—Mr. Wilson and Mr. Bond—which lives nearest the school?

Mr. Dyas.—Mr. Bond. Mr. Wilson practically lives at Blackrock.

Dr. TRAILL.—Mr. Wilson has retired from Blackrock. He lives entirely in the country now.

Mr. N. Howe Dyas.—I object to the select vestry. If it is necessary that there should be an extra representative, it is better that there should be a third appointed by the Diocesan Council. I don't think the select vestry would work well.

Rev. Mr. Peyton.—I fully agree with you. I would deeply regret for the interest of the parish and the school that Mr. Dyas was not placed on a more foundation as trustee.

Mr. N. Howe Dyas.—I don't consider the select vestry would make as good an appointment as the Diocesan Council.

Dr. TRAILL.—But the select vestry would consist of large extent of the farmers of the district, and the parish should have some representation on the governing body.

Rev. Mr. Peyton.—I believe if the select vestry had the appointment of governors they might naturally say we will appoint our own representatives. I hope you will not decide that Mr. Dyas is to be kept off.

119. Dr. TRAILL.—You are raising up personal considerations. We must look at the matter from an outside point of view, and we want to settle the foundation presently. Is it an unreasonable thing that the select vestry, which consists of the representatives of the people of the parish, should have some voice on this matter?

120. Lord Justice Fitzgerald.—Who are your present churchwardens?

Rev. Mr. Peyton.—Two farmers.

121. Lord Justice Fitzgerald.—Is one of them nominated by yourself?

Rev. Mr. Peyton.—Yes.

122. Do you not think it would be an advantage to the school that there should be at least one representative of the parents of the children. Being only one of seven, he can do no mischief, but he will represent a very important interest, the parents of the pupils, and also the select vestry of the parish. Would you prefer to put on the churchwardens?

Rev. Mr. Peyton.—I am afraid it would throw it

into the hands of people who have had no dispute with their clergyman hitherto, but who might then dispute, and might give a great deal of trouble to the manager of the school. Some men when they come into power get out of control, and I believe the Diocesan Council would be the safer.

Dr. TRAILL.—And the reason of a clergyman in any parish is that he is to go in and out among his parishioners to be of use. If he has not won the hearts of his parishioners I don't see the object in his continuing there at all.

Rev. Mr. Peyton.—You take up this as a matter in which I was personally interested. After twenty years' experience I can say I never had a dispute with my parishioners. It was only the other day I was presented with a handsome testimonial for my efficiency and courtesy.

Dr. TRAILL.—And that is why any alterations I make could not apply to you.

Mr. Justice O'Brien.—Where we have the views of a man who has filled an office of charity and public service, we will give effect to them if possible. There may be reasons why he cannot agree with the other. I am disposed to give him control and not to make him bow to a local body.

123. Lord Justice Fitzgerald.—Is there any mode by which representation of the parishioners could be effected. You have got already five on the governing body, and you might co-opt a couple from the select vestry.

Mr. N. Howe Dyas.—My objection to the select vestry is that I merely suggest the Diocesan Council is a better body.

Rev. Mr. Peyton.—I believe it would be a much better body.

124. Dr. TRAILL.—But still, even suppose there was one objectionable person he could not do much harm.

Mr. N. Howe Dyas.—He could not do any good.

Rev. Mr. Peyton.—He might be a person who cared very little for education.

125. Lord Justice Fitzgerald.—A good many of our schemes have been at work for four or five years, and we have not found that where a man is put on by the select vestry to look after the interests of the children any trouble has resulted. Once he is put on he is re-elected year by year. I still think it would be an advantage to have some representative of the parents of the children.

Mr. N. Howe Dyas.—On consideration, I think we must give the select vestry one. It will do no harm. I would ask you to support that. That would make six. Then consider whether some person should not be nominated by the owner.

126. Dr. TRAILL.—The owner should have power to nominate some person in his place.

Mr. N. Howe Dyas.—You might make me that one person—the seventh—let the rest stand. I will represent the owner of the estate.

Rev. Mr. Peyton.—You have Mr. Dyas representing the owner of the estate, and so we advised at first.

127. Lord Justice Fitzgerald.—Mr. Henry Dyas, junior, is a trustee.

Mr. N. Howe Dyas.—He never acted. There was no occasion.

128. Lord Justice Fitzgerald.—If we give you power to co-opt one, is there any name amongst the members of the select vestry that you could give us?

Rev. Mr. Peyton.—They would be farmers.

129. Lord Justice Fitzgerald.—But don't you say the select vestry has worked well?

Rev. Mr. Peyton.—I know by experience that when a certain class of people get power they will not use it properly. I often envy the clergymen who reside in Dublin. I often thought what I would give to have such a list of vestrymen. It is a very different thing where a clergyman has only one gentleman residing in his parish.

130. Dr. TRAILL.—Are there no other resident gentry in the parish?

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Rev. Mr. Peyton.—No; the landlords all have property elsewhere.

Mr. N. Hone Dwyer.—Section No. 3 would come out.

131. Lord Justice FitzGibbon.—I have taken a note of your proposals. The next point is with regard to the representation of subscribers.

Mr. N. Hone Dwyer.—I object entirely to that, unless you put some substantial subscription or gift, say £100. It would be quite possible for twenty men to put down their names for 10s. each.

Dr. TRAILL.—One member means £1.

132. Lord Justice FitzGibbon.—There seems to be some mistake in the draft about the amount. The founder intended that there should be subscriptions and donations—is it not better that you should have power to appoint an additional governor to represent subscribers, if you have them?

Dr. TRAILL.—There is one remarkable thing about the original intention, namely, he directed that a box should be placed in the school, in which all subscriptions and donations should be kept.

133. Lord Justice FitzGibbon.—If any man was to come in and pay £1, and go away again, he could not vote as an annual subscriber. He must be registered for some time before voting.

Mr. N. Hone Dwyer.—It will never be paid unless with the intimation of voting at the appointment of a new schoolmaster or something of that sort.

Lord Justice FitzGibbon.—The very best schools in the country are managed in this very way—supported entirely by subscriptions, and governed by the subscribers. Coleraine Academy, and the Belfast Institution and Academy, for instance.

134. Mr. N. Hone Dwyer.—If you have a board of seven, isn't it quite sufficient?

Lord Justice FitzGibbon.—We want to get you as much money as we can.

Mr. Justice O'BRIEN.—It is optional with you. You may provide for the appointment if you like.

Mr. N. Hone Dwyer.—I think seven sufficient as a working board.

Mr. Justice O'BRIEN.—At the same time if you could get subscriptions that would advance the cause of education, it would be hard to cut yourselves off. I don't think you will get subscriptions at all unless some powers are given.

135. Lord Justice FitzGibbon.—It has worked extremely well where it exists, but I admit it is difficult to set it going; therefore, it can only be regarded as a potential power. I think we might give you an optional power to add a governor or two to represent subscribers if you get them, but raise the limit to £1 a year, instead of 10s.

Mr. N. Hone Dwyer.—Don't give more than one.

136. Lord Justice FitzGibbon.—Very well, but if the subscribers are limited to one, I advise you strongly to take power also to co-opt a governor to assist you. There are many cases in which boards have found it most useful to have such a member. For instance as an Inspector of the National Board or a Diocesan Inspector who may be living in the neighbourhood.

137. Dr. TRAILL.—I would suggest to you that every member of the governing body should be a member of the "Church of Ireland."

Mr. N. Hone Dwyer.—When I was dealing with the masters I thought I dealt with that.

138. Dr. TRAILL.—Do you wish it put in?

Mr. N. Hone Dwyer.—Certainly.

139. Dr. TRAILL.—That should apply to the owner of the estate as well as to everybody else, because he might change as well as anybody else.

Mr. N. Hone Dwyer.—Certainly.

140. Professor DOUGHERTY.—If you had an accomplished Presbyterian or Roman Catholic, might it not be inadvisable to exclude him?

Mr. Justice O'BRIEN.—I think Dr. Traill's is an odious proposal.

141. Professor DOUGHERTY.—You absolutely restrict your own power to co-opt because, if this suggestion is accepted, you would not be able to co-opt a most desirable Protestant of another denomination who lived in the neighbourhood.

Dr. TRAILL.—Well, I will meet him half-way and say "and the other members of the board being members of the said Church."

142. Lord Justice FitzGibbon.—The population of the parish consists of 3,172, and of these 2,750 are Roman Catholics; 392 are put down as Protestant Episcopalians; 12 Presbyterians; 17 Methodists; and 1 representing "all other denominations," so that there are only about 50 Protestants of other denominations. What do you propose about this?

Mr. N. Hone Dwyer.—I think that all except the co-opted members should be members of the said Church.

143. Mr. Justice O'BRIEN.—I object to such a declaration being put in at all or put into any scheme. It is odious and offensive.

Dr. TRAILL.—But it is in a great many schemes.

144. Mr. Justice O'BRIEN.—Show me a scheme where it is in.

Rev. Mr. Peyton.—Certainly you should consider the intention of the founder that all the governors should be members of the Church of Ireland.

145. Lord Justice FitzGibbon.—Look what you want us to add. The board is to consist of the Bishop and the Incumbent for the time being, a clerical representative governor, two governors representing the Vestry, and two governors representing the Diocesan Council. Is it not sufficient to look at the scheme to see that they must be members of the Church?

Rev. Mr. Peyton.—I have some valuable members of the Methodist Church in the parish. They are humble people and come to my church always.

146. Dr. TRAILL.—What do you propose about them?

Rev. Mr. Peyton.—We could not interfere with them as they could not expect to be governors at all.

147. Mr. Justice O'BRIEN.—Under such a scheme as this?

148. Lord Justice FitzGibbon.—With the exception of the owner of the estate and his nominee no religious distinction is necessary, and you agree to leave the co-opted member open. The only question is as to the owner of the estate.

Mr. N. Hone Dwyer.—I think it is very desirable that there should be some understanding about that.

Dr. TRAILL.—I certainly would not force on the governing body a person who might possibly not be acceptable to them.

149. Mr. Justice O'BRIEN.—A man happens to be owner of an estate and gives a sum of money for the endowment, providing that the master is to be of a certain denomination and that the pupils are to receive religious instruction. It would be a strange thing that the owner of the estate, unless he be a member of the said Church, cannot hope to be a member of the governing body.

Dr. TRAILL.—I am only speaking of the other members of the donor's family.

150. Mr. Justice O'BRIEN.—You are trying to impress this on everything, and you are trying to fight against the tide on all these occasions and to get these declarations put in, but see what the Privy Council will say about it.

Rev. Mr. Peyton.—If they have power to co-opt, let all the Governors be members of the Church of Ireland in the first instance.

Professor DOUGHERTY.—I really think there is not much fear of aggressive Presbyterians in the neighbourhood. It is entirely from a sentimental point of view I suggested omitting the religious test.

Rev. Mr. Peyton.—In these changing times we don't know when there might be an influx.

151. Lord Justice FRIZGIBSON.—This discussion has no practical bearing whatever except on the owner of the estate, for the question confines itself to whether the owner of the estate is to cease to have any interest in the school if he ceases to be a member of the Church.

Mr. N. Howe DYAS.—He succeeded to the property when the Endowment was in force.

Rev. Mr. Peyton.—If the owner of the estate changed his religion, still this would not be out of his control altogether. I think if you have no objection that all the governors should be members of the Church of Ireland, in accordance with the intentions of the donor.

152. Professor DECONSTRUCT.—Do you think there is much chance of the Diocesan Council electing persons who are not members of the said Church?

Mr. N. Howe DYAS.—We are working a scheme for all time.

153. Monsignor MOLLOY.—Do you wish that the school should remain as it is?

Mr. N. Howe DYAS.—I wish that there should be direct provision that all the members should be members of the said Church.

154. But you said, I think, that you desire to retain the Endowment on its present footing?

Mr. N. Howe DYAS.—Yes.

155. Is the present owner of the estate one of the trustees?

Mr. N. Howe DYAS.—He is.

156. Would he remain one if he became a Presbyterian?

Mr. N. Howe DYAS.—Yes, at present.

157. Then the proviso you speak of would introduce a restriction which at present does not exist?

Mr. N. Howe DYAS.—Yes.

Rev. Mr. Peyton.—Is not the original scheme that all the members of the governing body shall be members of the Church of Ireland?

158. Lord Justice FRIZGIBSON.—Dr. Molloy is speaking of the present constitution under the deed of 1818. If Captain Douglas and the other trustees changed their religion, and became members of some other Protestant Church, or became Roman Catholics, they would not vacate their trusteeship in any way. Therefore what Dr. Molloy wishes to point out is that this clause which Mr. Dyas wishes to put in would alter the existing constitution.

Mr. N. Howe DYAS.—They have always been appointed by co-option, and they would not have been co-opted if they were not members of the Church.

159. Lord Justice FRIZGIBSON.—Then the new appointments, instead of being by co-option, will be made by Church bodies?

Mr. N. Howe DYAS.—Except two.

160. Dr. TRAILL.—Under the present system all are appointed by the trustees and by their successors.

Rev. Mr. Peyton.—And the very pith of the appointment rests on the parties being members of the Church of Ireland.

Dr. TRAILL.—If they referred to the owner and his successor it would be different.

161. Lord Justice FRIZGIBSON.—The note I have taken is that it is proposed that all additional members shall be members of the Church. The only question is as regards the owner and his nominee. You want provision for clothing. We shall give proper directions to have that suggestion carried out. Captain Douglas is mistaken in supposing that we put elementary education into the back ground. It is compulsory on us to provide that the education given shall be proper and suitable.

Mr. N. Howe DYAS.—I did not allude to that; it is all in the discretion of the governors. Section 10, clause C, provides—"To employ and pay such teachers

as they may deem it expedient to engage for the instruction of the pupils in the school."

162. Lord Justice FRIZGIBSON.—The permanent teachers under the original trust are to be members of the Irish Church, but if you employ carpenters, or other outside teachers of technical subjects, you cannot tie them down to one denomination.

163. Dr. TRAILL.—You ought not to limit them.

Mr. N. Howe DYAS.—I think it should be so, and I ask that after the word "teachers" you should add "being members of the Church of Ireland."

164. Lord Justice FRIZGIBSON.—You understand that in all this you are only putting shackles on yourselves. You have power to select those under the scheme as it stands.

165. Dr. TRAILL.—You want to provide against future Commissioners, I suppose, Mr. Dyas, and leave nothing open?

Mr. N. Howe DYAS.—I have seen things interpreted in a way that is sufficient to show me that such provisions are not unnecessary.

166. Rev. Mr. Peyton.—Then as to the provision for removing the school.

Mr. N. Howe DYAS.—That is very important.

167. Dr. TRAILL.—Where is the school situated?

Mr. N. Howe DYAS.—It is near the centre of the parish.

168. Mr. Justice O'BRIEN.—Is there a village or any number of houses where the present school is?

Rev. Mr. Peyton.—There is another building very near it.

169. Mr. Justice O'BRIEN.—The occasion sometimes arises to change a school, if you want to get scholars. That power is given here to the governors. How many pupils are attending the school at present?

Rev. Mr. Peyton.—About twenty-five daily average attendance.

Dr. TRAILL.—Nobody comes from more than a mile in any direction.

170. Mr. Justice O'BRIEN.—Do you think if there was any change that more children would come?

Rev. Mr. Peyton.—I think the present position of the school is about the most central for the children to come to.

171. Lord Justice FRIZGIBSON.—It is almost certain that the school will not be removed. It is on a piece of free-hold ground, and the contingency of removal is very remote. Nevertheless, to remove a school of the kind, if it became necessary, you would have to get an order from the Court of Chancery, and a clause of this sort would avoid that necessity. You say a village is near the school?

Mr. N. Howe DYAS.—Within a mile.

172. Lord Justice FRIZGIBSON.—Would a radius of a mile include the church and village?

Rev. Mr. Peyton.—I think so. If you were to put the school at Newtownforbes you would prevent a great many going to it.

Dr. TRAILL.—Nobody proposed it.

Rev. Mr. Peyton.—But you are giving power to remove it from its original place.

173. Monsignor MOLLOY.—We are simply putting in a clause which enables the governors to remove the school if they should think it necessary to do so.

Rev. Mr. Peyton.—Of course. From my knowledge of the parish I know that any change of position would be injurious to the school.

174. Dr. TRAILL.—Then the governors would never change it.

Rev. Mr. Peyton.—We would have so many governors we would never know what some of them might suggest.

175. Lord Justice FRIZGIBSON.—If you wish we will add, as we have done in other schemes, that no removal shall take place on the mere authority of the governors alone, but only with the sanction of the Commissioners of Charitable Donations and Bequests, if, after inquiry, they are satisfied that the proposed

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change will be for the advantage of the school. Unless all agree it cannot be done.

Rev. Mr. Peyton.—I think it would be much safer for the safety of the scheme to leave it out.

176. Lord Justice FRUGGINS.—If at any future time the governors could not carry the school on where it is, they would have to spend time and money in getting a judicial sanction for its removal, whereas you can now provide a power which may be exercised without any expense at all.

Rev. Mr. Peyton.—We never know what future men may do. Why put in this at all, if not necessary?

177. Dr. TRAILL.—Simply because if the governors hereafter should want to remove the school they would not otherwise be able to do it.

Rev. Mr. Peyton.—So much the better.

178. Dr. TRAILL.—Suppose you wanted to do it yourself?

Mr. N. Hone Dwyer.—I think it would be truly unjust to the owner of the estate. The clause provides:—

"The Governors may, if and when they shall so think fit, remove the school to any other convenient site or sites in the parish of Clonsilla, and any buildings and premises situated upon such removal, shall be sold, let, or otherwise disposed of to the best advantage."

That given power to bring into the estate a person who perhaps might be objectionable to the owner. I say it is contrary to the deed.

179. Lord Justice FRUGGINS.—You are again fault-finding with the existing state of things; see at present, if this school ceased to be of any use and you were ordered by Chancery to sell it, the owner would not be heard at all.

Mr. N. Hone Dwyer.—I beg your pardon, it reverts entirely to the owner.

180. Lord Justice FRUGGINS.—I am not aware of that. If there is such a provision in the deed we should preserve it. Here is the only provision I can find—

"Provided always that in case it shall happen at any future period that, by any unforeseen train of events, the trusts hereby declared of the said rentcharge of £80 and of the said schoolhouse, piece, plot, or parcel of ground, with the appurtenances and the regulations heretofore contained for the Government of the said school, shall become impossible to be fulfilled according to the pious designs and intentions of the said James Mitchell. Then, and in such case, and from thenceforth, the said annuity or yearly rentcharge of £80, and every part thereof, shall cease, determine, and be no longer payable, and shall from thenceforth revert to and form part of the real estate of the said James Mitchell, his heirs or assigns, in such and the same manner to all intents and purposes as if these presents had never been made."

That appears to relate only to the rent-charge.

Mr. N. Hone Dwyer.—I thought the building would revert. But in any case I claim that a clause should be inserted to protect the rights of the owner, because they might introduce objectionable persons.

181. Mr. Justice O'BRIEN.—As regards the sale of the existing school premises?

182. Dr. TRAILL.—Or letting?

183. Lord Justice FRUGGINS.—What is your next point?

Mr. N. Hone Dwyer.—There is no objection that I can see to clause 14. Clause 15 we discussed already, about extending the fund. Then as regards No. 16, I think you might put in "provided always that the children of the church shall receive first preference."

Lord Justice FRUGGINS.—The founder did not do that.

Mr. N. Hone Dwyer.—The governors have power to limit the number of children attending the school.

184. Lord Justice FRUGGINS.—To provide that the master shall not take more than a certain number of pupils?

Mr. N. Hone Dwyer.—I object to No. 18. That would be making it a National school.

185. Mr. Justice O'BRIEN.—Is it at present in connection with the National Board?

Mr. N. Hone Dwyer.—No.

186. Dr. TRAILL.—Strike out the word "remain." Mr. N. Hone Dwyer.—If the scheme were submitted to the present trustees we would consider it, but we object to leave it open to the National Board. Make it permissible but not compulsory.

Rev. Mr. Peyton.—Do you not think that children going to the school should be taught in the principles of the Church if they wished to go.

187. Lord Justice FRUGGINS.—The manager should have the right to say to the parent, I will not take your child if you don't allow it to receive religious instruction, but if, after objection made by the parent, the manager nevertheless receives the child, then religious instruction should not be given. This is the conscience clause of the Intermediate Education Act, and you have sent up children and got results free at the Intermediate examinations, and somebody must have signed a declaration that this very rule is observed in the school.

Rev. Mr. Peyton.—Religious instruction is given every day in that school. A very respectable woman had two boys in the school whom she wished to put forward for some Government appointments. She said she did not wish their time to be taken up with religious instruction, and she was told that if she did not like to conform to the rules of the school she might take them away.

188. Mr. Justice O'BRIEN.—If you go in under the National Board you must bring in the conscience clause.

189. Monsignor MOLLAY.—There is nothing in this clause that has not been already certified to be in force in the school, because the Intermediate Education Board would not pay result fees unless the master had signed this statement.

190. Lord Justice FRUGGINS.—Has not your master received result fees under the Act?

Rev. Mr. Peyton.—I know that some children were sent up and they did not pass.

191. Dr. TRAILL.—It is not at all clear that he got any result fees. I would wish that clause struck out altogether.

Lord Justice FRUGGINS.—I have the master's return here stating that he did pass pupils and receive result fees.

Mr. N. Hone Dwyer.—To No. 19 we have no objection. No. 23, I think, might be amended by inserting the words "original trust deed."

192. Lord Justice FRUGGINS.—We cannot do that. One of the objects of our schemes is to avoid the necessity of looking at other deeds and documents. We will make this clause in accordance with the deed, but then you must look to the scheme and nothing else.

Mr. N. Hone Dwyer.—Clause 26. That brings us under the National Board.

Lord Justice FRUGGINS.—No. But if at any time the school is placed under the National Board it must comply with their rules.

Mr. N. Hone Dwyer.—"They shall determine the various subjects of education to be taught therein." Would that not require a proviso in accordance with the original deed?

Lord Justice FRUGGINS.—The education must be in accordance with the scheme, and it is in accordance with the deed.

Monsignor MOLLAY.—We have endeavored to draft this scheme in accordance with the original deed, and it is a great convenience for you, and all others concerned, to have within the limits of this paper a complete scheme which explains itself without reference to any other document whatever.

Mr. N. Hone Dwyer.—Clause 36 further says—"Provided that the head master and head mistress shall be members of the said Church." I say that the word "head" should be struck out, and that it should read "provided that the master and mistress shall be members of the said Church."

193. Professor DOUGHERTY.—If you have promising people of another denomination who wished to be trained for the position of teacher, is it right or wise that you should be bound to refuse to employ them?

Mr. N. Hone DYER.—I am only dealing now with the original deed.

Monsieur MOLLAT.—I think it only refers to the master and mistress.

194. Lord Justice FITZGERBON.—As I read the deed it is not as strict as the scheme, because the provision of the deed is that the trustees shall appoint some fit and proper person, being a member of the Church, of unblemished life, and competent, &c., to be master of the said school, &c.; and in case any girl shall be educated in the said school, to appoint his wife as mistress if properly qualified, and if he be not married, or his wife not properly qualified, to appoint some other proper person to be mistress. If the master was a Churchman and his wife a Methodist or Presbyterian, and a good teacher, the deed does not disqualify her.

Mr. N. Hone DYER.—You are departing from the original intention by putting in the word "head."

195. Mr. Justice O'BRIEN.—If he was once appointed he might become a Catholic on the construction of the deed.

Mr. N. Hone DYER.—He might, but we would dismiss him.

196. Lord Justice FITZGERBON.—I see from the returns that the master in one year received £5 results

fees under the Intermediate Act, so there can be no doubt that be certified that the conscience classes you object to is in force and observed in the school. Now, subject to your general objection to the whole scheme, I think we have met your particular objections.

Mr. GULLOCH.—Under the original deed the ground on which the school stands was held under lease, and afterwards the governor purchased out the land, and it is now held in fee, but when it comes to deal with the £50 rent-charge, the deed does not say anything about the ground.

Mr. N. Hone DYER.—In clause 27 there is something about the sale of property, but the rent-charge is coming in—

"They may, with the sanction of the Commissioners of Charitable Donations and Bequests for Ireland, sell to the best advantage any of the lands, buildings, rents, reversionary charges, &c."

That clause appears altogether to be wrong.

Lord Justice FITZGERBON.—The rent-charge should not be sold. We will look into that.

197. Monsieur MOLLAT.—With the modifications now agreed upon, don't you like the scheme much better than you did at first?

Mr. N. Hone DYER.—I don't like it at all, because I have seen other endowments turned to improper purposes. We don't know what people may follow us when we are dead and gone. It may be done, but it is not likely to be done in our generation.

The sitting terminated.

PUBLIC SITTING—TUESDAY, OCTOBER 13, 1891.

At the Office, 23, Nassau Street, Dublin.

Present:—The Right Hon. Lord Justice FITZGERBON, and the Right Hon. Mr. Justice O'BRIEN, Judicial Commissioners; and the Right Rev. GERALD MOLLAT, D.D., B.D., ANTHONY TRAILL, Esq., M.D., M.B., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Secretary, WM. EDWARD ELLIS, M.A., and the Assistant Secretary, N. D. MURPHY, M.A., were in attendance.

THE KILMEAGUE SCHOOL AND PERCEVAL ENDOWMENT.

Mr. William FRY, Solicitor, appeared for the Rev. George Garrett, Manager of the School.
Mr. Stewell, Solicitor, appeared for parishioners.

Lord Justice FITZGERBON.—This case comes before us for the first time on an application for a scheme.

195. Mr. William FRY.—I represent the manager of the school, the Rev. George Garrett. The endowment was created by a fund grant of March 7, 1819—

"Between Sir Gerald George Aylmer, Bart., of the first part, the Right Honourable and Right Rev. Charles Lord Bishop of Kilmore, of the second part, and the Rev. Arthur John Preston, Minister of the Parish of Kilmeague, of the third part."

It recites—

"That in order to enable the minister of the parish of Kilmeague to establish a school in said parish, and in pursuance of the powers granted by the Act, 60 Geo. III., for making tenants in tail and for life, and ecclesiastical persons to grant land for the purpose of endowing schools in Ireland, and the said Sir Gerald George Aylmer granted unto the said minister of the parish of Kilmeague, one acre Irish plantation measure of the lands of Ballinacree for ever in trust for the use of a resident schoolmaster to be hereafter appointed by the minister of the parish of Kilmeague and his successors, and to and for no other use, intent, or purpose, whatsoever, and his successors, yielding and paying unto the said Sir Gerald George Aylmer, his heirs and assigns, the sum of one penny every year if demanded, and it is declared that the grant shall be and remain subject to the conditions hereinafter mentioned, that is to say, that the master and mistress of

said school for the time being shall not be only appointed by the said minister for the time being, but shall be removable from time to time, and at all times by writing under the hand of the minister for the time being, and at his sole will and pleasure. And that such schoolmaster for the time being shall instruct all such children as shall be named to him for that purpose by the written direction of the said minister in the principles and practice of reading and writing the English language, and of arithmetic, and to such of them as are children of members of the Established Church, the Church of England or the Established Church of Ireland in such mode, and according to such plan of education, and subject to such regulations as shall, from time to time, be in writing, ordered by the said minister for the time being. And that no person shall be permitted at any time to take possession of the said house, lands, or premises, who shall not have first signed and delivered unto the said minister or his successors, an agreement on the part of such master to yield up possession of the said premises on the written request of the said minister or his successors without further notice."

There is a covenant by the landlord for quiet possession, and the minister covenants for himself and his successors, from time to time, to appoint masters to reside in the schoolhouse to instruct the scholars, and then the Bishop of Kilmore approves and ratifies the grant and trust.

Oct 18, 1891.

The next step is a Deed of July 10, 1845, between Miss Margaret Cecil Percival of the first part, the Rev. Arthur John Preston, of Rathernan Glebe, County Kildare, of the second part, and Sir Gerald George Aylmer, Bart., the said Rev. Arthur John Preston, and the Rev. William Aylmer, of the third part. It recites that Miss Percival was desirous to found and endow a charity school in the Parish of Kilmegaw, of which the Rev. Arthur John Preston was incumbent—

"For the educating therein of poor children living within the said parish of Kilmegaw, in the religion of the United Church of England and Ireland as established by law, and also to read, write, and cast accounts, and other proper and useful learning for the poorer also within the said parish: that she had previously to the execution of these presents advanced to the said Rev. Arthur John Preston as such incumbent a sum of £1,145 to be vested in trustees to be such for that purpose appointed, and to be by them applied for the purpose of such endowment."

Which sum had been invested by the Rev. Arthur John Preston in the purchase of £1,128 17s. 6d. Government Stock. It then recites that—

"The said Margaret Cecil Percival had approved of the said Sir Gerald George Aylmer, Bart., Arthur John Preston, and William Aylmer being appointed trustees of the fund, which is transferred to them upon trust, to apply the interest, dividends, and annual produce of the said Government Stock or of such other securities as the same may for the time being be invested in, for establishing and maintaining a free school in the parish of Kilmegaw for the teaching therein of poor boys and girls living within or belonging to the said parish, and in which school the master and mistress thereof shall cause to be read daily by the said scholars, at fit and convenient times during each day, the Holy Scriptures in the approved version of the United Church of England and Ireland as by law established, in which also the boys shall be taught to read and write and cast accounts, and the girls to read and write and sew, needle, and make, and the said children to be instructed in such other learning as shall be thought by the trustees present for the time being, useful and proper for their situations in life, without any fee or reward for the same."

Then there is a declaration that the master and mistress are to be members of the Church of Ireland—

"And to be schoolmaster and mistress for so long as is the opinion of the trustees for the time being, or of the major part of them, he or she shall continue to correspond to the discharge of the duties, and shall conduct himself and herself well, and to their satisfaction."

It then gives power to the trustees to suspend the schoolmaster or schoolmistress and to appoint another. Then there are books to be kept of the attendance, and it is provided that the clerkman of the parish for the time being, shall be a trustee *ex-officio*. The funds are now under the control of the Commissioners of Charitable Donations and Bequests, and consist of £1,133 17s. bank stock and cash. The first point I have to submit is, that the trust deed makes this an exempted case.

195. Lord Justice Fitzgerald.—Do you raise that question? If the trustees, whether the case is exempt or not, desire us to frame a scheme, we must in any case follow the intentions of the founder, and the minister of the parish is sole trustee under the original deed of 1829, and under the deed of 1845, is an *ex-officio* trustee. I think that the case is exempt, as to the objects of the charity; under the deed of 1845, it would seem that those who were members of the Church were to be taught the catechism, and the original deed speaks of "poor children" generally.

Mr. Wm. Fry.—The recital is "for the purpose of educating and instructing poor children."

200. Mr. Justice O'Hanlon.—Isn't then consistent with the construction that the religious instruction shall be given to the children of the established Church?

Mr. Wm. Fry.—The draftsman of the deed apparently did not recognise any other. The reason I make the point is that we are, to a certain extent,

opposed here to-day. The trustees are willing to submit at once to the jurisdiction of the Commissioners, but my friend, Mr. Stansell, has been put in motion by a number of the parishioners who have some objection to raise.

201. Lord Justice Fitzgerald.—That raises another question altogether. It is clear that the property in the school premises is vested in the minister as sole trustee, and he is an *ex-officio* trustee of the funds; there is the further provision that the children who are to get the benefit of the endowment are to be instructed in the authorized version of the Scriptures. The general character of the charity is Protestant.

Mr. Wm. Fry.—There is a direction that the continuing trustees are to fill up vacancies by electing—

"Fit and proper persons, being Protestants and members of the United Church of England and Ireland, as by law established, of good credit and reputation, and residing in or near the said parish of Kilmegaw, to make up the therein before mentioned number of three trustees."

203. Monaghan Member.—Have the children been all of one denomination?

Mr. Wm. Fry.—Yes. The reports show that they have been always children of the Church. We come here to-day to hear what the parishioners want.

203. Lord Justice Fitzgerald.—Dr. Wheeler has told us that the trustees want something similar to the scheme for Hewston's School at Clonsilla. There the governing body consists of three *ex-officio*, one nominated, and certain *ex-officio* government. The Archbishop and the incumbent of the parish were *ex-officio* governors. Mr. Thomas Cooke Trench, who really founded the existing school, is a governor for life. There is power to co-opt, and the select vestry has power to appoint a governor provided the parishioners pay £10 a year towards the support of the school.

Mr. Wm. Fry.—The question as to Kilmegaw school arose in this way. The school was carried on for a number of years in the schoolhouse held under the grant of 1825. It became unsanitary. Sir Charles Cameron examined it and gave a certificate, dated June 28, 1891. He says:—

"On this day I inspected very carefully the Protestant National School, Kilmegaw. I found forty children standing in two small rooms, the ceilings of which were very low. There were no means of ventilating the rooms except by leaving the doors or windows open, a system which in certain conditions of the weather is likely to produce draughts from which the children might catch cold. The cubic space in the rooms is insufficient for the number of children attending the school. The sanitary accommodation is bad. In the two pairs the stench was abominable, and from a sewerage pool at their rear offensive vapours were exhaled. The accommodation for the schoolmaster and his family was wholly insufficient. I have also inspected the former Court House, proposed to be converted into a school. It consists of one large and two small rooms, very lofty, and admirably suited for school purposes. The large room requires in dark days more light, which can be obtained by enlarging the two central windows. There are two points which are close to a side door. I am informed that their site is a temporary one. They should be removed to a greater distance from the house, and the children should have a playground. The points are to be, I am informed, earth closets, which are better by far than ordinary points. In the house there is a W.C. in an airy apartment. I would suggest putting a simple wash-out pan in place of the present rather old-fashioned arrangement in the closet. I trust that the children may soon be removed to the proposed new school buildings. It will be for the advantage of their health and comfort, and their removal will give the schoolmaster a proper dwelling."

204. Lord Justice Fitzgerald.—The deed of 1825 grants the land and house as a residence for the schoolmaster.

Mr. Wm. Fry.—Certainly. The National Board sent down an Inspector, and presently sent an order to Mr. Garrett that the school should be changed

without delay The letter from the Board was as follows —

" Education Office,
Dublin, 4th July, 1881.
Kilmeagoe National School.

" Rev. Sir,

" I herewith enclose copy of a letter just received from Surgeon Wheeler, Marston-square, Dublin, and of a report of Sir Charles Cameron, M.D., Medical Officer of Health for the City of Dublin, which accompanied it, from which it appears that the above named school is in an extremely unsanitary condition.

" I am directed to state that in view of the opinion expressed by Sir Charles Cameron, and the reports of the District Inspector of National Schools, the Commissioners of National Education must insist upon a change of house being made without any available delay.

" I am, Rev. Sir,

" Your obedient servant,
" JOHN E. SAMPSON, Sec."

The patron of the school, Dr. Wheeler, on July 9, 1881, got from Sir Arthur Percy Fitzgerald Aylmer a lease, which I hold here, to the Rev. George Garrett and Dr. Wheeler, of the Courthouse for a term of 999 years at a rent of £5 per annum, and Dr. Wheeler has paid 10 years rent in advance so as to endow the school. Some persons appeared to feel aggrieved by all this, they summoned a meeting in the churchyard, and I am instructed that many of those who are raising objections are bachelors, and have no children to be taken into the school at all.

203. Mr. Justice O'BRIEN.—But they may have good intentions?

Mr. Wm. Fry.—The new school required a little whitewashing, and Mr. Wheeler was getting it done when the artisan had to go on neighbouring land belonging to one of the objectors, and there he saw this notice—"Take notice, any person found on my land adjoining the Courthouse will be prosecuted." The rector of the parish did not think that was fair treatment.

206. Mr. Justice O'BRIEN.—How many people attended the school before its removal, and where do they come from?

Mr. Wm. Fry.—They all come from the parish; it is about three miles across. In 1872 there was an average attendance of 76; in 1873, 74; in 1874, 59; in 1875, 50; in 1876, 48; later on there were 43; in 1880 and in 1881 there were 73 on the roll.

207. Lord Justice Fitzgerald.—Sir Charles Cameron says he saw 40 children attending. That should represent a roll of about 60.

Mr. Wm. Fry.—A communication was addressed by Mr. Stansell, on behalf of his clients, to the Commissioners of Charitable Donations and Bequests, and they addressed the following communication to Mr. Wheeler:—

"I have received a letter from Mr. Stansell, solicitor, in reply to mine, explaining the circumstances of the case, and I conceive that if the trustees paid the rent of Courthouse out of their own pocket, the parishioners will not object to the school being removed. I shall be glad to receive a letter from you stating that this is so."

Mr. Wheeler did not see his way to give an undertaking that the trustees for all time would pay the rent, but he showed his bona fides by paying ten years in advance. Having regard to the deed I respectfully submit that no person has any bona fides in the matter except the trustees, and that the parishioners have no voice in the management of the school.

208. Lord Justice Fitzgerald.—If we are to draw up a scheme, we shall hear everybody; we always do so. Dr. Wheeler asks us now to vest this property, consisting of three denominations—the lease for 999 years of the Courthouse to be used as a schoolhouse, the grant in fee of the schoolmaster's house, and the interest of the money in a Governing Body for the purposes of the Kilmeagoe Parochial School.

Mr. Wm. Fry.—I am not instructed in any sense to oppose what Mr. Wheeler asks, assuming that you believe the case comes within the Act.

209. Messenger-Master.—Assuming that it did not come within the Act, he would consent to have a scheme settled.

210. Lord Justice Fitzgerald.—We have received a letter from Mr. Stansell, which I will read.

" 5, Dawson-street,
12th Sept., 1881.

" Kilmeagoe School, Co. Kildare.

" DEAR SIR,

" There is a school at Kilmeagoe, a village in Kildare, about eight miles from Naas, which was endowed by the late Miss Preston, and to which the late Sir Gerald G. Aylmer granted a lease at a nominal rent for a long time. I believe the school has also a grant from the National Board of Education, but the Commissioners of Education inform us that it is not vested in them. The Rev. Mr. Garrett, Surgeon W. J. Wheeler, and Mr. George Sutcliffe are trustees of the fund, and we understand Mr. Garrett is manager of the school. Certain parishioners have objected to the school as being moved from the site presented by Sir Gerald Aylmer, and it would appear that this is caused by the unsanitary state of the building. The parishioners consider that the change is unsatisfactory. They would prefer that the old building should be put to rights. They wish to know if the case could be brought before your Commission, and if so, what way, both as regards the administration of the trust and the change of the site, we shall be glad to hear from you."

" Yours truly,

" STANSELL AND SON.

" W. F. Ellis, Esq.,

" Secretary Endowed Schools Commission."

The Commissioners of Charitable Donations and Bequests have also made inquiry as to whether anything is to be done in the case, and Dr. Wheeler and Mr. Garrett have also made verbal inquiry whether we would settle a scheme for them. Our secretary sent them the same scheme as a precedent, and told them that if on inquiry it should turn out a proper case for a scheme, we would do our part. As regards any misappropriation of trust funds, we could not undertake in the settlement of the scheme to do anything. I see no indication of anything of the kind, but we could not embark on any contentious litigation.

Mr. Wm. Fry.—The fund is intact.

211. Lord Justice Fitzgerald.—The real point is whether we ought to settle a scheme for this school; and if so, whether we ought to treat both these pieces of land as being held in trust for the purposes of the school, or should make provision that it shall be carried on only in the old place. We ought to hear the parishioners now on that.

Mr. Stansell.—I appear for the parishioners. I should explain that my father and I were at one time land agents to Sir Gerald Aylmer, and that is my connection with the estate. With regard to the parishioners' reason for their anxiety—I don't wish to refer to any names—but about thirteen years ago the whole fund of £1,160 became vested in a single trustee, and was misappropriated or disposed of, but it was paid up by another member of the family to save any possible question. Hence the nervousness of the parishioners and their wish that it should be put beyond all question in the future. They were afraid, as they could get no satisfactory explanation with regard to the new lease, that there would be a high rent to pay. We heard it was £10 or £15 a year, and we never saw this last deed, nor did any of our clients know any particulars of it.

212. Mr. Justice O'BRIEN.—It is a letting of a plot of ground and building for the purpose of a school, with power of re-entry in case it is misused.

Mr. Stansell.—My clients instruct me that they were afraid there was a considerable rent; that would seriously cripple the small endowment, which is only £1,126 Government Stock.

Oct. 18, 1901.

213. Mr. Justice O'BRIEN.—Partly bank stock.
Mr. Stannell.—I had the transfer of the stock in 1870, and it was then 24,138.

214. Monsignor MOLLON.—That amount is all available now.

Mr. Stannell.—The parishioners complain of the removal of the school, and they complain that, if the old building has become unsuitable, it is due to neglect. They believe that even now this building, with an Irish acre of land attached, which would be suitable for a playground, could easily be made right. They are willing to apply to the Board of Works for a loan for the purpose, or to raise a fund themselves to place the building in a satisfactory state.

215. Mr. Justice O'BRIEN.—The school is actually removed?

Mr. Wm. Fry.—Yes.

Mr. Stannell.—Then there is a complaint as regards the new school.

216. Lord Justice FITZGERALD.—The National Board would not sanction a loan of public money to remove the school back again?

Mr. Stannell.—No; to place it in a proper state.

217. But it has been removed under the order of the Board, and they would never allow the Board of Works to advance money to restore the old school.

Mr. Stannell.—The parishioners state that the new building is inconvenient; the place only contains 4½ perches of land; there is no playground, no sanitary accommodation, no supply of water; it is insufficiently lighted; and the only sanitary conditions possible are inside the building.

218. Professor DOUGHERTY.—Have they sent that complaint to the National Board?

Mr. Stannell.—We applied to the National Board in the first instance and got no satisfactory answer.

219. Are you aware whether they investigated your complaint?

Mr. Stannell.—They investigated it before the school was removed.

220. Lord Justice FITZGERALD.—I have here the—

"Joint report on Kilmagee Schoolhouse, and on the house at present used as such, by the Medical Officers of Health of the Kilmagee and Rathangan Dispensary Districts respectively whose names are appended hereto.—We, the undersigned, having this day, 6th October, inst., at the request of a number of parishioners of Kilmagee, inspected the house lately occupied as the parish school of Kilmagee, are of opinion—as to the convenience of the rooms set apart for the accommodation of scholars, that there is ample warrant for the approval of the National Board of Education which has hitherto been accorded to it. The cottage is 16 feet 4 inches, depth for about 16 inches to 8 feet 6 inches at the sides in height, would, with the not very expensive changes recommended presently, we think satisfy all reasonable or scientific requirements as far as land room is concerned. The walls are free from dampness. The windows, four in number, give an abundance of light and air, the tops of them from the floor reaching a height of 6 feet 9½ inches, and may be made to conduct the ventilation safely and efficiently by changing the panes so that they shall open only at the top (lower). If to this change of such effective roof outlet for heated air, with guarded openings in the walls near the door, is added, we think really excellent school-rooms are created, well adapted to promote health and comfort. The removal of the division wall, by converting the two rooms into one, would greatly increase the accommodation and facilitate the maintenance of necessary discipline. The question of closet accommodation, a most important one, needs in this instance no very elaborate consideration. There is a fall of three or more feet from the present one to a deep like fifteen paces distant, and some thirty to the rear of schoolhouse. If this fall is availed of, and the drain leading from the closets to the ditch cleaned and kept in proper order, which does not appear to have been done for a very considerable time, with a remodeling of the present structure, no cesspool or nuisance could result, or, better still, have the closets placed immediately above the ditch. They will then be thirty paces from rear of schoolhouse, and the contents will be amongst the fields, and we think give no further trouble, and certainly create

no dangerous nuisance. We may add, this cottage schoolhouse is well sheltered, and provided with a large open and pleasant playground."

"We also inspected the building on the summit of Kil-magee Hill, formerly a court-house, but now doing service as the schoolhouse of Kilmagee, and we have no hesitation in arriving at a conclusion adverse to its use as such, and for the following reasons—its position is bleak and exposed, and we greatly doubt whether parents can be induced to send their little ones to such a place during winter months, and we further think they ought not to be asked to do so. Its acoustic properties must do now seriously embarrass the master in the discharge of his duties. The windows are so shaped and so high that in dark gloomy weather it will be impossible, we think, to conduct the business of a school without the aid of lamps. Its water supply must depend absolutely on the catchment area of a small portion of the roof, and, of course, must at least be intermittent, and at times wholly absent. Its sewerage—there is absolutely none. The earth closets, excellent contrivances in themselves, are two in number—one within the house and one under a small shed placed against the wall of the public road. Now, we protest against the placing of any cess, earth or water, under the same roof with a public school, and hold it to be a gross infraction of the commonest principles of sanitary science. With regard to the other, or external closet, we think it difficult to approach, and from its position exposed to the observation of persons using the public road. We further protest against the covering of the earth in the small enclosed space beneath the windows of the school or house into any manner. The contents of the earth closets are emptied into a shallow trench, three inches or so deep, and quite superficially covered. We hold if this process is to continue, and we see no other way of disposing of closet soil or sewerage, the enclosed area, one square perch or so, will soon become not only a source of danger, but a public nuisance that will require to be abated. Lastly, an important consideration in the question of school accommodation, is a convenient playground. We are informed that there is no such adjacent to the house. Signed, FRANK T. BARRY, L.R.C.S.I., L.R.C. and Q.C.P.L., Med. Officer and Medical Officer of Health, Quinlan's Hall, Physician and Surgeon, Medical Officer, Kilmagee and Rathangan Dispensary District, Medical Officer of Health, Medical Assistant, Royal Irish Constabulary, &c."

This is a remarkable document; but, at all events, these "officers of health" don't appear to think that the old schoolhouse will do as it is.

Mr. Stannell.—The original schoolhouse requires some renovation.

221. Dr. TRAILL.—What has become of it?

Mr. Stannell.—It is still used as the teacher's residence.

222. Where did he live before?

Mr. Stannell.—He always lived there.

223. Has he enlarged these premises?

Mr. Stannell.—He has.

224. Monsignor MOLLON.—You say that the old site is more convenient and that the sanitary defects could have been remedied?

Mr. Stannell.—Certainly.

225. Lord Justice FITZGERALD.—The sanitary officers say that the accommodation for the pupils is insufficient, but if you make all these alterations, what is to become of the teacher?

Mr. Stannell.—We say that the new place is worse.

226. Dr. TRAILL.—Have you an acre with the old house?

Mr. Stannell.—An Irish acre.

227. Professor DOUGHERTY.—What is the ground used for?

Mr. Wm. Fry.—The master tilled it.

228. Monsignor MOLLON.—Is it the opinion of the parishioners that there is sufficient room in the old house both for the school and for the residence of the master?

Mr. Stannell.—Their case is, that the National Board originally intended that this should be for the master's residence only. The parishioners would very much like to have a proper scheme drawn up, particularly having regard to what once occurred.

Surgeon Wheeler mentions Hewstone's School, but that scheme gives very little voice to the parishioners. I think the select vestry should get more than one single representative.

229. Lord Justice FRANKSON.—We understand the school was founded originally in 1835, and endowed in 1845 by Miss Percival. The original school seems to have been built for both a schoolhouse and teacher's

residence, and is said to have become unsanitary. A new schoolhouse has been procured at the old courthouse by Mr. Wheeler, and the school has been opened there. The manager of the school has at all times been the clergyman of the parish, now the Rev. Mr. Garrett, and Mr. Wheeler is now the patron of the school. We shall therefore now examine him.

Oct. 12, 1891.

William L. Wheeler, Esq., F.R.C.S., examined.

230. Lord Justice FRANKSON.—You are patron of the school now established in the former courthouse at Kilmagee?—Yes.

231. We understand you desire that a scheme should be prepared for that school, on the lines of that framed for Hewstone's school at Glane?—Yes, quite so.

232. I have read a communication from Mr. Garrett, on behalf of the parishioners, stating their wish that the school should remain in the old building. I should be glad if you would tell us, as patron of the school, what your desire is as regards the provisions of the scheme, what you think as regards the position and suitability of the present building compared with the old one?—If we come under the act, I would wish, and the majority of the trustees would wish, that the scheme should be framed according to the scheme for the Glane school.

233. Who are the existing trustees?—The Rev. Mr. Garrett, Mr. Sutcliffe, and myself.

234. Do the majority of the existing trustees desire that a scheme should be framed for the school similar to the one we framed for Glane?—Yes. On that basis, supposing that this Commission had not power to compel us to come in under the Act, the majority of the trustees would ask you to frame a scheme on that basis. We would come in, in fact, and ask you to do so.

235. Mr. Justice O'BRIEN.—Do you say, Dr. Wheeler, that even if the Commission had no power to take the matter in hand, the majority of the trustees would desire to have a scheme framed?—They would.

236. Lord Justice FRANKSON.—You are one of the three trustees?—Yes.

237. What other connection have you with the school?—The only other connection is that when I got the courthouse changed to Robertstown I got a lease from Sir Arthur Aylmer of the old courthouse at Kilmagee, as Mr. Garrett requested. He wanted it because the old schoolhouse was stated to be in an unsanitary state, and Sir Charles Cameron certified that it was so.

238. Is it your desire that the 1899 year lease of the courthouse should be treated as part of the property of the school?—Certainly. I got it made in Mr. Garrett's name for the purpose.

239. How far is the old building from the new one?—About 600 yards, but the question is whether the old building was ever intended to be a school. As I read it, it was only intended as a residence for the schoolmaster. The old school building and acre of land were given by Sir Gerald Aylmer to the incumbent of the parish and his successors as long as he kept a schoolmaster residing in it.

240. Are that building and acre of land still available for a schoolmaster's residence?—Yes, and the schoolmaster is residing there. The school itself was transferred to this new property. It was transferred by order of the National Board.

241. Monaghan MCGLOTH.—Was that order framed on Sir Charles Cameron's report?—Yes.

242. Lord Justice FRANKSON.—How long has the school been in connection with the National Board?—Nearly twenty years, since 1873 or 1874.

243. In what way do you desire the endowment should be applied?—The endowment was given by Miss Percival for the purpose of paying the master, and that has been done ever since.

244. The existing master has a vested right in that endowment?—He will as long as he stays; he is a first class man, and I don't think he will remain there. He will go in for promotion.

245. Dr. PRADA.—What is the amount of the endowment?—From £30 to £35 a year.

246. Would you like to have power to dispose of it in any other way besides giving it to the master?—Yes, I would desire that you should also consider how we could dispose of the acre of land and the old schoolhouse for the benefit of the school.

247. Lord Justice FRANKSON.—It is held under grant in fee-farm as a schoolmaster's residence, and for no other purpose. We cannot free the property from that educational condition.

Witness.—Sir Arthur Aylmer might be empowered to re-enter and re-purchase, and the money might be applied then for the benefit of the school. It would be a great benefit to the school to give prices.

248. Have you made good use of the endowment?—Yes, but the endowment is not a large one, only £1,128, and the income depends on how the bank dividends fluctuate.

249. Is there anything more you wish to say?—I think not.

250. You, as a patron, have appointed, I presume, the Rev. Mr. Garrett as manager?—No, the National Board appoints the manager always.

251. No, wherever there is a patron, the patron has the right to appoint the manager.

Witness.—I did not know that.

Rev. Mr. GARRETT.—I happened to be manager before he became patron.

Dr. WHEELER.—The only thing I wish to add is that, if you have not the power to frame a scheme compulsorily, the majority of the trustees will ask you to frame a scheme, and to frame it on the basis of the Glane scheme.

William L. Wheeler, Esq., F.R.C.S.

Rev. George Garrett sworn and examined.

252. Lord Justice FRANKSON.—How long have you been incumbent of the parish of Kilmagee?—Sixteen years.

253. You are acquainted with the school buildings?—Yes.

254. First tell us about the old school premises,

and how the building stands as regards schoolroom and teacher's accommodation?—The building contains a kitchen, two rooms, and what is really a little closet, used as a bedroom.

255. Mr. Justice O'BRIEN.—Is it a one story house?—Yes.

Rev. George Garrett.

Oct. 12, 1891.
Rev. George
Garrett.

256. A slated building of ordinary masonry 1—Yes. I believe originally the intention was that one of these two rooms should be for the schoolmaster's residence, then he had a kitchen and one room for the school.

257. Lord Justice FRYGIMSON.—How many apartments are there altogether?—Only three, with a small bedroom cut off one of them.

258. Suppose the partition was taken down, as the sanitary officers propose?—It would not do. The National Board years ago called on me to increase the accommodation, and to make a new room, because of the want of sufficient room for the children to breathe in. We employ but one teacher, and he ought to have all the pupils under his eye. I certainly was surprised when I heard of some of the people taking a different view in this matter, for it would be a great loss to get this large schoolhouse, and a great many of the people told me they thought so. I certainly thought it the best thing we could do.

259. Mr. Justice O'BRIEN.—What were you to pay for it?—Five pounds a year.

260. Lord Justice FRYGIMSON.—And that has been paid in advance by Mr. Wheeler for ten years?—Yes.

261. Professor DOUGHERTY.—Do you anticipate it will be a burden on the parish?—No. If we had not got it we should probably have been obliged to build on the old ground.

262. Monsignor MULLOV.—Which building is the more accessible to the children who go to the school?—The new house is nearer to the larger number of the children. No doubt there are some few children who would be inconvenienced by the change, and I am very sorry that it must be so.

263. Lord Justice FRYGIMSON.—Do I understand you to say that the old building altogether contains a kitchen, one room of a fair size for the teacher to live in, one smaller room which you describe as a closet used as a bedroom, and one room for the schoolroom?—Yes, four apartments altogether.

264. Then if the school was brought back to that building, and those two rooms thrown into one, in order to make a proper schoolroom, there would be nothing left for the teacher except the kitchen and the closet?—That is so.

265. Dr. TRAILL.—Has he any family?—The present teacher is a first-class teacher, only recently married, but the former teacher had to rear a large family in the house.

266. Mr. Justice O'BRIEN.—Is not the value of the adjoining land lost by the change?—No, the master has always tilled it, and it was portion of his salary all the time.

267. Monsignor MULLOV.—Would the old courthouse be suitable as a master's residence?—No, there is not sufficient accommodation in it.

268. Would there not be as much accommodation there as in the old schoolhouse?—No; it would not suit for a residence.

269. Lord Justice FRYGIMSON.—It was never intended for a dwelling house?—No.

270. Mr. Justice O'BRIEN.—Is there any space at all surrounding this courthouse—how is it placed?—It stands at the top of the hill, with two roads coming round it and a large space in front.

Mr. Stansell.—It is bounded with roads on three sides.

271. Dr. TRAILL.—Have the children to go out on the road to play?—We have got a small plot about a quarter of an acre immediately across the road as a playground.

272. Mr. Stansell.—I am instructed that this is not attached, and that it is only four and a half perches. Isn't there a man living in the courthouse and his family?—Yes.

273. Monsignor MULLOV.—The schoolmaster?—No, a person put in as caretaker for the present.

274. Lord Justice FRYGIMSON.—Remember the mere production of the deed of 1825 would make it

impossible for you to borrow any public money to spend on the old schoolhouse?—I know that.

275. But the parishioners don't appear to know it?—Witness.—I have told them that. But the fact is that there was some little jealousy about the removal of the courthouse.

276. Lord Justice FRYGIMSON.—It seems rather strange now to make the best of these two pieces of property now that you have got them.

Witness.—I appealed to the parishioners not to refuse such a piece of property, but I think it right to state, as Mr. Stansell has mentioned it, that there were some very unkind things said about this endowment and the risk lest it should be lost.

Mr. Stansell.—I never intended to insinuate for a moment that there was any accusation against the present trustees.

Witness.—No, but you said there was an uneasiness about the endowment, and a general feeling that the endowment might be lost. In vain I told those complaining that the endowment was placed in the hands of the Commissioners of Charitable Donations and Bequests, that there was no possible fear of its being lost by the change, and then Mr. Stansell very properly wrote to say that if we paid the rent of the old courthouse the opposition would cease, and Dr. Wheeler did that out of his own pocket.

277. Monsignor MULLOV.—You have heard the statements made about the unsanitary condition of the present school, what do you say with regard to that?—Sir Charles Cameron has approved of it.

278. Lord Justice FRYGIMSON.—The sanitary officers who report against Sir Charles Cameron propose to pull down the partition wall and to put on a new roof, and to put in new windows in the old schoolhouse. Remembering that the teacher has to live in it, and that the walls slope down to eight feet six inches at the eaves, there won't be much of the building left when you have the new roof and new windows?

Dr. Sale.—You could put on a new iron roof. You would have two rooms more than have been offered by the National Board.

279. Lord Justice FRYGIMSON.—They have condemned the building.

Dr. Sale.—After eighteen years.

280. Dr. TRAILL.—They wrote again and again to Mr. Garrett calling attention to it.

Dr. Sale.—It is proposed to build a new wing.

281. Lord Justice FRYGIMSON.—You cannot do that with public money. You may do it yourself.

Dr. Sale.—That is what we want to do.

282. Lord Justice FRYGIMSON.—Your report says—

"The eillings are ten feet four inches sloping for about eighteen inches to eight feet six inches at the sides in height, and would, with the not very expensive changes recommended presently, we think, satisfy all reasonable or scientific requirements as far as head room is concerned."

You then go on to say that the tops of the windows might be made "to conduct the ventilation" by changing the eillings, and the removal of the division wall, by converting two rooms into one, would greatly increase the accommodation. Now it turns out that the room you propose to throw into the schoolroom is the only dwelling-place for the master, and you tell us your new roof is to be of iron.

Dr. Sale.—I was informed that Sir Gerald Aylmer was willing to lay out £50 on the plan.

283. Lord Justice FRYGIMSON.—What is to become of the master?

Dr. Sale.—We were not asked to go into the question about the master.

284. Lord Justice FRYGIMSON.—Then your report is worse than worthless, for the first trust under which the place is held is for the schoolmaster's residence.

Dr. Sale.—It is quite separate from the residence. There is a long passage going up from the kitchen to it. There is a door.

185. Lord Justice FRIGGESSON.—Then you want the schoolmaster and his family to live in the kitchen?

186. Mr. Wm. Fry.—Was the former schoolmaster a married man, Mr. Garrett?

Rev. Mr. Garrett.—He was married and had a large family.

187. What room did they use?—They occupied one of the schoolrooms during the night, and had to remove the bed out of it during the day.

188. Professor DOUGLASS.—Did you hear of any proposal to build on the old site?—I got plans eight years ago and could not do it.

189. Did you hear anything of the proposal of the parishioners to put down the tower?—No, I never heard of it until I had moved to the other school.

Dr. Salk.—Because Mr. Garrett moved the school without consulting the parishioners. He is seldom in the parish except on Sunday.

190. Monsignor MOLLOY to Rev. Mr. Garrett.—Have you any suggestion to offer as regards the playground?—We have a playground at present.

191a. Only two or three perches?—I think about half a rood.

191. Dr. TRAILL.—But on the other side of the road?—Yes.

192. Monsignor MOLLOY.—Is the house standing on the side of the road?—It stands at an angle with a large space in front of it going down towards the street.

193. What is at the back?—There is a field belonging to Mr. Curtis.

194. Dr. TRAILL.—I suppose he would give a piece of that for a playground?

Mr. Curtis.—I think not.

195. Mr. Justice O'BRIEN.—Was it because the school would be near to your own ground that you objected to the change?

Mr. Curtis.—Oh, no.

196. Monsignor MOLLOY.—On whose authority was the school removed?

Rev. Mr. Garrett.—This agitation was commenced by an extraordinary meeting in the graveyard to protest against the school being removed before it was removed at all.

Monsignor MOLLOY.—That was the right time to protest.

Rev. Mr. Garrett.—To protest against any arbitrary action in removing the school, which I did not do at all. I did not believe there was anybody simple enough to object except the one or two families who were unenlightened, but the Board ordered me to move, so I had no choice.

197. Mr. Justice O'BRIEN.—Who communicated that report of Sir Charles Cameron's to the National Board?

Mr. Wm. Fry.—It appears on the face of it that Sergeant Wheeler wrote it.

Lord Justice FRIGGESSON.—The letter from the Board of July 4, 1891, peremptorily ordered a change being made without any available delay.

198. Monsignor MOLLOY.—It was that order caused you to remove the school to the house Dr. Wheeler had provided?—Yes.

199. Dr. TRAILL.—Did the parishioners attend the public meeting?—They did not.

200. Mr. Justice O'BRIEN.—It was a select vestry meeting?

Mr. Wm. Fry.—No, but a number of the parishioners were present at it.

Rev. Mr. Garrett.—Yes, 18 out of 180; the question of the sanitary arrangements really arose from that original meeting, where they said that the courtrooms did not possess proper sanitary arrangements. Sir Charles Cameron came down to report on the subject and found them temporarily sufficient.

Dr. Salk.—He says the earth closets should be removed, but he doesn't say where they are to be removed to, and I would wish to know that.

201. Lord Justice FRIGGESSON.—It is reported by him, and not denied by you and your colleague, that

in the old place the stench was abominable, and there was a swimming pool at the rear of the house.

Dr. Salk.—That sewer has not been cleaned for some years.

202. Lord Justice FRIGGESSON.—Then for years the parishioners have put up with that condition of affairs, and there is no guarantee that things would be any better if they went back to the old school. I cannot see when this old schoolhouse has not room in it both for the school and teacher's residence, why you should give up the fine building at the courtrooms.

Dr. Salk.—There are only two or three children going to the school now, whereas there were forty going to the other.

203. Professor DOUGLASS.—I observe they threatened to withdraw them at this meeting. It is a case of boycotting.

Mr. Wm. Fry.—Certainly.

Dr. Salk.—There is a fearful drought in the new place, and the sand and dust are blown about, but the main fault is that there is no sanitary accommodation. The playground has been taken for three months to comply with the rules of the National Board, and there is nothing but the public street for the children after that. Mr. Preston, the original founder, selected the spot where the old school stands, because he knew of the drunken rowdy scenes in the village, and was determined to take the children out of the village. Here we have the children living in the street and they will not attend the school.

204. Lord Justice FRIGGESSON.—What do you propose to do?

Dr. Salk.—I believe the parishioners will make any necessary arrangements.

205. Lord Justice FRIGGESSON.—This lease of the old schoolhouse is subject to certain trusts and restrictions; the new lease, for which £50 has been paid, making it a free property for ten years, imposing a trust that there shall be a parochial school kept there and nothing else. The National Board is not likely now to allow you to bring back the school to the old house, and they will insist on proper sanitary accommodation being provided at the new one.

Dr. Salk.—Dr. Wheeler proposed to sell the old schoolhouse.

206. Lord Justice FRIGGESSON.—You have got it into your heads that there is an intention to make away with the house and land. It cannot be said. Mr. Garrett was asked how it was proposed to use the old building, and he said as a residence for the schoolmaster, and he referred to the clause which required that under Sir Gerald Aylmer's lease. In the endowment deed of 1846 the lady does not restrict her money to the old schoolhouse, and it may go to any school in the parish. I think you ought to consider yourselves lucky people to get this old courtrooms as a new schoolhouse.

Mr. Justice O'BRIEN.—The old building was given for the purpose of a residence merely, and not for the purpose of a schoolhouse at all.

207. Monsignor MOLLOY.—I understand the parishioners are dissatisfied with the removal of the school, but I don't understand what they want done.

William Thornton (a parishioner).—We are satisfied to build a new schoolhouse.

208. If you built a new Schoolhouse, do you expect to get this old endowment of £1,100 odd?

Wm. Thornton.—Certainly not.

209. You want nothing but the old site held under Sir Gerald Aylmer?

Wm. Thornton.—Certainly.

310. If you got that are you ready to do everything else yourselves?

Wm. Thornton.—We are ready to build another room.

311. And if Mr. Garrett carries on the school in the old courtrooms would you not be at loggerheads?

Wm. Thornton.—I don't see why that should be so.

Lord Justice FRIGGESSON.—We had better let one of these gentlemen give his statement regularly.

Oct. 15, 1891.
Rev. George Garrett.

Oct. 15, 1871.

William Thornton.

William Thornton sworn and examined by Mr. Stansell.

312. Have you lived in the district all your life?—Yes.

313. And you are acquainted with the old school-house?—I went there myself.

314. What was the accommodation then—was it sufficient in your opinion?—Just the same as it is now, and I heard no complaint. The master's quarters were small—one apartment. There was one school-room called the girls school, and the bigger one for the boys.

315. Lord Justice FitzGibbon.—When you say the master's accommodation was small, how big was it?—I don't know.

316. A kitchen and closet?—A small room and kitchen.

316A. The master had a family we are told?—So he had.

317. Where did he put them?—I could not tell you.

318. Do you know that the first treat on the property is to provide a residence for the schoolmaster?—We are quite satisfied to build another schoolroom adjoining the boys school, leaving the girls school there. I told Mr. Garrett that before there was any noise at all.

319. Professor DOUGHERTY.—Did you make any subscription for the purpose?—I would give £5 for the purpose.

320. Mr. Justice O'BRYEN.—Have you any children yourself?—I have five.

321. Dr. TRAILL.—How much money would you require to do the work?—£50 or £60. I said to Mr. Stansell to-day I would give £10 myself.

322. Mr. STANSELL.—Is the courthouse in a bad position?—It is in the oldest position in the country—it is a force place.

323. The old position was suitable and convenient for the parish?—I think so.

324. Mr. William FRY.—The old schoolhouse is unsanitary, isn't it?—I could not tell you that.

325. Did you hear Sir Charles Cameron's report?—I did.

326. Is the new school not more convenient to the

majority of the children than the old one?—I think not. Some of them will have to go three or four miles.

327. How far is it from the old one?—About half a mile. The general objection is that we will lose the bit of land.

328. Professor DOUGHERTY.—But surely you will not lose it. Is it not intended for the schoolmaster's use?

329. Lord Justice FITZGIBBON.—When you were at school how was the land used?—There was a good part of it tilled, and some of it was in grass.

330. Professor DOUGHERTY.—Who tilled it?—The master.

331. Lord Justice FITZGIBBON.—Was any part of it used as a playground?—I could not tell that.

332. Do you mean to say that you cannot tell whether there was a playground there or not when you went to the school?—At the time there was no talk at all about a playground.

333. Dr. TRAILL.—What put it into your head that there was going to be a loss?—The school being removed out of the place.

334. But it was not given for a school at all but for a master's residence, and it is used for that yet. How long was this school under the National Board before you removed it, Mr. Garrett?

Rev. Mr. Garrett.—Eighteen or twenty years. Shortly after I came there, fifteen years ago, the Board agreed to have it enlarged, but the school fell away.

334A. Dr. TRAILL.—Was there ever any difficulty about the religious education clause?

Rev. Mr. Garrett.—No.

Mr. Wm. FRY.—On August 15, 1871, it was resolved "That the school be placed in connection with the National Board of Education as a non-vested school, if it could be so arranged, the Rev. A. Preston having so consented, and to give the use of the present schoolhouse for the purpose." I read from the minute book kept by the clergyman.

335. Lord Justice FITZGIBBON.—Is the former master here?

Mr. Wm. FRY.—He is in attendance.

William Pepper sworn and examined.

336. Lord Justice FITZGIBBON.—When were you made master of Kilmacogue School?—On December 13, 1871.

337. That was before Mr. Garrett's time?—Yes.

338. How long did you continue master?—Eighteen years.

339. Have you now retired, or are you still in the service of the Board?—The Government dismissed me.

340. What are you doing now?—Nothing.

341. What was your classification under the Board?—First of the third. I was first a teacher under the Church Education Society, and was appointed to the Kilmacogue School by the three trustees. I passed my examination as teacher, and at that time I could obtain no class, with the exception of third, and so the Commissioners of National Education granted me first of the third. I went up for examination, and in consequence of the school not being in a proper condition I failed.

342. Had that anything to do with your classification?—Yes, it had—the state of the school gives marks.

343. Were you living in the schoolhouse?—I was.

344. Dr. TRAILL.—Were you paid a salary by the National Board?—Yes.

345. How long is it since you were dismissed?—February twelve months.

346. Has your dismissal anything to do with the present row?—Of course it has. I will show I was dismissed that this row might come about.

347. Lord Justice FITZGIBBON.—You lived in this building?—Yes.

348. What accommodation had you?—I had a large kitchen and a room about 81 square feet—8 feet by 9 feet.

349. How high was it?—About 8 feet high.

350. Mr. Justice O'BRYEN.—Are the kitchen and the room under the one roof?—Yes.

351. Lord Justice FITZGIBBON.—What family had you?—I had eleven children, my wife and myself.

352. You did not all live in the room 9 feet square?—No.

353. How did you accommodate your children?—The kitchen accommodated the male members of the family.

354. Do you mean that they all slept in the kitchen?—I slept in one of the schoolrooms myself. We had one schoolroom 19 feet 8 inches by 14 feet 6 inches, and another 14 feet by 13 feet.

355. Mr. Justice O'BRYEN.—Was the school under the National Board when that state of things existed?—Yes.

356. Dr. TRAILL.—Had your family to clear out before the school children came in?—Yes. This schoolroom was used only for needlework.

357. But you slept in it at night, and the girls worked in it by day?—I did.

358. Lord Justice FITZGIBBON.—What was the size of the schoolroom you used for dwelling purposes?—

There were two schoolrooms. They were not used for dwelling purposes at all.

349. I call sleeping in it using it for dwelling purposes. You and the scholars played "Box and Cox" in the room?—Yes.

350. What was the size of the school-room that was not used for sleeping in?—Nineteen feet eight inches, by fourteen feet six inches.

351. Then the smaller room—fourteen feet by thirteen feet was the room you slept in?—Yes.

352. Monsieur MOLLAT.—And all the rest of the family were divided between the kitchen and the other room, nine feet square and eight feet high?—Yes.

353. How long did that state of things last?—For twenty years.

354. Did you ever apply to the trustees during this time to increase the accommodation for the master's scholars?—Frequently.

355. And were your applications refused?—The first application was made through Mr. Ireland, who was manager at the time, and an application went to the Board of Works for a grant for the teacher's residence, but it failed through some means or another. Then, I think, there was a second application to the Board of Works, which I am told was granted for a teacher's residence, but it was never built.

356. Monsieur MOLLAT.—It was contemplated to build, and there were two or three attempts made before Mr. Garrett came there?—Quite so.

357. Mr. Wm. Fry.—You killed the land yourself?—Yes.

358. Where did the children play?—They had no play hour.

359. Mr. Stennell.—Did the trustees in fact the place from time to time?—Yes.

360. Dr. TRAILL.—You say the children had no play hour. What do you mean?—It was recommended, by Head Inspector Newell, that we should dispense with our play hour in consequence of another school being there convenient to us, under the Roman Catholic

clergyman of the parish, for fear the children would come into contact with one another.

371. Lord Justice FRANKLIN.—The Protestant children were to get no play because there were Roman Catholics in another National school near them, and they might fight if they were out of school at the same time. That was mixed National education?

Witness.—Mr. Newell recommended it.

372. Mr. Wm. Fry.—When you resigned, did you get compensation?—I got £132 from the Board.

373. You spoke of being dismissed?—I was dismissed with three months' notice.

374. What did you get compensation for?—On the ground that I was over age.

375. Don't you know that it was because of your inability to teach any longer?—No.

376. Lord Justice FRANKLIN.—Don't you know that under the rules of the National Board you could not get any retiring compensation except on satisfying the Commissioners that you were permanently unable to discharge the duties. (Reads rule)?—I was disabled at that time.

377. Professor DOUGHERTY.—You still reside in the parish?—I do.

378. Dr. TRAILL.—You teach in the district still?—Yes.

379. Where have you got your school?—Only private tuition.

380. Professor DOUGHERTY.—Have you under your care any children who have left this school?—Yes.

381. How many?—One.

382. Dr. TRAILL.—Where do the children get their education now who used to go to this school?—I don't know. They are not going to any school at present, except one.

383. Monsieur MOLLAT.—Had you children of different denominations attending the school?—No.

384. They were all members of the late Established Church?—Yes.

William Hemmings examined (not sworn).

385. Lord Justice FRANKLIN.—Did your children go to the school?—Yes.

386. Where do they go now?—They have gone nowhere since.

387. How many have you?—Nine.

388. Dr. TRAILL.—Where are they being educated now?—In no place.

389. Monsieur MOLLAT.—Why not?—The parishioners feel aggrieved they should have to pay for a site at all. They have a free site and they are willing to put it in a sanitary state.

390. Lord Justice FRANKLIN.—Then the real ground of the opposition is money, and that you are afraid of being under a charge or losing the old premises.

391. Mr. Justice O'BRIEN.—Is the reason you are keeping your large family at home that you don't wish to give offence to either party?—I don't believe I would give offence to any one.

392. Then if it gave offence to nobody why keep them at home?—The whole feeling of the parishioners is that they may lose the old site.

393. Dr. TRAILL.—If you are satisfied that the old site is quite safe and that the money is safe in the hands of the Commissioners of Charitable Donations and Bequests would you have any objection to send your children to the school on the hill?—In winter time the cold is terrible.

Rev. Mr. Garrett.—They are going to put in a splendid stove.

394. Dr. TRAILL.—If it is put into a proper sanitary state, would you still have any objection to send your children back?—I would.

395. What is your objection?—That the place is not suitable.

396. Suppose it was made suitable?—It could not possibly be made suitable. The locality has not the same accommodation as the other place. For instance, both sexes will have to go out to these parts.

Rev. Mr. Garrett.—That is a complete mistake. There is a separate closet altogether approved by Sir Charles Cameron for the girl's school.

397. Dr. TRAILL.—Suppose it is put right, and certified by the National Board to be right, would you have an objection to send your children there?—I would.

398. Professor DOUGHERTY.—Were your children attending the school when Mr. Pepper was there?—They were.

399. Did they attend the school after his dismissal?—They did.

400. Did you object to the retirement of Mr. Pepper?—I did not.

401. Dr. TRAILL.—Are you satisfied with the present teacher—that he is a good teacher?—I believe he is.

402. And will you send your children?—There are other good schools.

403. Monsieur MOLLAT.—What other schools are there?—One at Allen, and one at Robertson.

404. How far are they from you?—About one mile each.

405. Mr. William Fry.—Didn't you express your unqualified approval of this change some time ago to Mr. Garrett?—I did, but he led me to believe that a single one in the parish would not object, and that it would not cost them a shilling.

406. Monsieur MOLLAT.—It will cost you nothing for ten years?—He offered that.

407. Dr. TRAILL.—Isn't that true?—It is.

Oct. 12, 1891.

William
Pepper.

William
Hemmings

Oct. 12, 1890.
—
William
Hemingway.

408. Mr. Wm. Fry.—Isn't it the fact that you don't like expressing approval, because you don't like to give offence?—(No answer).

Mr. Stansell.—We have other witnesses, but it would be merely the same evidence. I think it is really a question of the governing body of the school. All the anxiety of the parishioners has been caused very much by a certain amount of misapprehension. That has been my impression all through.

409. Lord Justice FRZGIBSON (to Rev. Mr. Garrett).—How many registered vestrymen have you in your parish?—About fifty.

410. You have a full select vestry? Two churchwardens and ten other members?—Yes.

411. Are any of the gentlemen here to-day members of the select vestry?—Yes, five or six.

Mr. Stansell.—I think it would be a very good precedent to give them a little more representation.

Mr. Justice O'BRIEN.—Mr. Sutcliffe, one of the trustees, is here.

Mr. Sutcliffe.—I have nothing to say.

Mr. Wm. Fry.—He never acted at all.

Mr. Justice O'BRIEN.—But perhaps he would like to say something now.

412. Mr. Wm. Fry.—Didn't you express your approval of this change to Mr. Garrett, Mr. Sutcliffe?—(No answer).

413. Mr. Justice O'BRIEN.—You don't like to say whether you did or not.

Mr. Wm. Fry.—He signed the deed, but he never acted.

414. Lord Justice FRZGIBSON.—We have a letter from Mr. Sutcliffe which I will read:

"Lardtown, Robertstown, Nass,
"13 July, 1891.

"The Commissioners on Endowed Schools, Dublin.

"GENTLEMEN.—On the 17th and 27th August, 1890, I wrote to the two trustees, viz., Rev. George Garrett, and Mr. W. L. Wheeler of the Kilmagee or Rathernan School Fund, that I wished to be relieved of the trust, stating that I had not time to attend nor did I understand the duties connected therewith, and have not acted or taken part in any of the affairs since. Not hearing further, on the 28th July I wrote to some effect to the Commissioners of Charitable Donations and Bequests, and they reply I must be relieved by Deed or Court of Chancery. Being unable to afford the expense of the latter, I beg you will take my case into consideration."

Mr. Sutcliffe.—There is response in the parish.

415. Lord Justice FRZGIBSON.—There has been a great deal of misunderstanding about this business. It is a complete mistake to imagine that if the school is removed the land and teacher's residence will be lost to the parish. Instead of that, the school has really existed there by sufferance up to the present, because the house and land were given for the purpose of a residence and an endowment for the schoolmaster. It is as safe as ever, and the money is all right, for it is in the hands of the Commissioners of Charitable Donations and Bequests. We will ask the Commissioners of National Education to give us a report as to these two buildings, in case we are

unable to see them ourselves, in order that we may form an opinion whether this courthouse is a suitable schoolhouse. The doctors differ. Sir Charles Cameron and the two local gentlemen don't agree. The Commissioners of National Education are bound to see that the premises in which the school is held are suitable and sanitary. I am afraid we must come to the conclusion that the Kilmagee schoolhouse is not so good as it is, because even these two gentlemen report that it must be re-modelled, and it turns out that, in their re-modelling, they never thought of the schoolmaster at all, and their alterations would leave him no fit place to live in. I think all this property may be made available for good educational work, and it is a great pity that there has been any friction about it.

416. Mr. Justice O'BRIEN.—What about the governing body?

Mr. Stansell.—It would be well to have the parishioners represented on the body.

417. Professor DOCUMENTY.—To what extent?

Mr. Stansell.—I like an intelligent representation of one.

Mr. Justice O'BRIEN.—Seventy pupils attended this school; it must be a great want now.

418. Professor DOCUMENTY.—Is the school in working order at present?

Mr. Sutcliffe.—Three or four families send their children.

419. Lord Justice FRZGIBSON.—We think this is a case in which we ought to publish a draft scheme; we ought to make an attempt to produce a working scheme for you; when the draft is published it will for two months be open to everybody interested to lodge objections, and we will consider those objections before finally settling the scheme. Another opportunity will then arise of objecting in case you are not satisfied, but I hope that in a case of this kind it will not be necessary to go beyond this Commission. I only hope that the gentlemen of the neighbourhood will bear in mind that they did not know all the facts when they came here to-day. The courthouse can not be used for any purpose under the deed under which it is held except as a schoolhouse, and it must be lost and sacrificed altogether if the school is not maintained there. The rent has been paid up for ten years, and it is a free property for that time. At the end of that time a rent of £5 will be payable, or it can be surrendered. On the other hand, their old schoolhouse and land were originally intended for the master's residence and use, and when the master chose to pack his family into the kitchen and the closet, and to hibernate in the schoolroom himself, he was actually trying to make what ought to have been his residence serve as a schoolhouse as well. The money endowment is safe, and applicable for the support of the school whereon it is held. The most sensible arrangement would be that the courthouse should be made into a suitable schoolhouse, that a plot of ground next it should be got for a playground, and that the old premises should be kept as a residence for the master.

The sitting terminated.

PUBLIC SITTING—THURSDAY, OCTOBER 15, 1891.

Oct. 15, 1891.

At the Courthouse, Portarlington.

Present.—Right Hon. Lord Justice FITZGIBBON, and Right Hon. Mr. Justice O'BRIEN, Judicial Commissioners; and the Right Rev. GERALD MOLLOY, D.D., D.C., ANTHONY TRAILL, LL.D., M.D., F.T.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, M.A., was in attendance.

PORTARLINGTON FREE SCHOOL.

430. Lord Justice FITZGIBBON.—We have to-day inspected the Portarlington endowed school, which in the report of 1880 is returned as follows:—"Portarlington Free Boys' School; endowed by the Earl of Galway with a grant of two schoolhouses and a garden, and annexed to that property a rentcharge of £29 10s. 9d. in trust to the Bishop of Kildare by deed of September 24, 1702, with a further annuity under Cardinal Clancy's Will, proved December 8, 1836, of £13 16s. 3d.," and bracketed with the Boys' School is the Portarlington Free Girls' School, the two being treated as the same establishment with an endowment of £76 18s. 2d. per annum gross. The management was stated to be in the hands of the rector of the parish as head master, the course of instruction to be the ordinary instruction of a primary parochial school, and the appointment of the master to be in the hands of the Archbishop of Dublin as Bishop of Kildare, but the master had no salary; that is to say, the

rector, although nominally head master, received no portion of the endowment. The numbers on the rolls were—boys, 60, girls, 41; all members of the Church of Ireland. The school was inspected in 1879 by Mr. Moore, for the Commissioners, and his reports on the boys' and girls' schools contrast remarkably to the disadvantage of the boys' school. This morning we found a roll of 63 boys, and an average attendance ranging from 30 to 40. In the girls' school the number on the roll is 40 and the attendance considerably larger than in the boys' school in proportion to the numbers, being from 35 to 45. Both schools are now National schools, and both teachers are in the first division of the second class. We will now examine the rector, and ascertain whether the endowment is within our jurisdiction, and if it be, whether there is anything in the circumstances calling upon us to settle a draft scheme for its future management.

Rev. John Francis Cole was examined.

431. Lord Justice FITZGIBBON.—You are incumbent of Portarlington?—Yes, for the last six years.

432. When you came here first, what was the condition of the endowed school?—In the male school I found a very old man. He had been teacher here about 55 years. I found nine little boys in the school. I told him I was very anxious to get the school into better working order, and that I would be obliged to make a change in the school. He said of course he was entirely in my hands; he said you ought to give me a pension; I said under this endowment there is no pension whatever provided for, and the Board of Religious Education will give no pension, so I cannot help you in getting a pension, but I will try to get you a gratuity.

433. Was the school in connection with the National Board at the time?—No.

434. Was it in connection with the Church Education Society?—It was partly. The Church Education Society gave it a grant of £10 a year, and it was under the supervision of the Society. I wrote to the Church Education Society to know if they would give the teacher a gratuity, and they replied that they had no fund for such a purpose. I then made up a sum of £35, after about six months, and gave it to him, and he retired on that.

435. You collected it for him?—I gave £10 out of my own pocket, I collected £25, and I charged £10 to the endowment.

436. Mr. Justice O'BRIEN.—What was his salary at that time?—About £35 a year.

437. Lord Justice FITZGIBBON.—It is stated in the Report to be £30 with some school fees; I presume that would be right?—Yes.

438. What did you do then?—I communicated with the Board of National Education and asked them to allow the school to be put in connection with the Board; they willingly accepted the school, and I placed it immediately under the management of the Board.

439. At that time was the attendance sufficient to get a salary?—No, we were obliged at first to take a modified grant, but we were not obliged to accept it, for I got the average attendance up in the first quarter enough to get the master full pay.

440. Where did the children come from that so

suddenly raised the attendance from 9 to 30?—They were going to other schools.

441. What schools had they been going to?—There was a private school held by a Mr. Byrne; he had some of the children, and others were going to the Roman Catholic schools, the convent school, and monastery school.

442. There was the effect of the existence of the Church Education school that the Protestant children attended Roman Catholic schools?—I would rather put it in this way: the inefficiency of the master and the fact that the Church Education Society did not like to come down too heavy on a man who had served them for 50 years.

443. Dr. TRAILL.—I suppose he had put the children of two or three generations through his hands?—Three or four, I suppose.

444. Lord Justice FITZGIBBON.—In what condition was the girls' school?—It was in a better condition. There was a young girl as teacher; she was just of age, I believe, and the school was in fair working order, with an average of 30 or 35.

445. What qualifications had she as a teacher?—She was acknowledged by the Church Education Society, and I could not tell any more about her. I spoke to her after some time, and said I intended putting her school also in connection with the Board of National Education, and I asked her to qualify herself to pass the examination of the National Board; she replied she was afraid she could not, and I said "I will give you six months to prepare." At the end of six months I asked her if she was prepared to go in for the examination, and she said no, and then I said I must make a change.

446. You gave her an opportunity of trying to qualify herself and she did not avail herself of it?—No.

447. Were the schools placed under the Board at the same time?—No. The girls' school was not placed under the Board for more than six months after the other.

448. When you did place the girls' school under the National Board, what was the effect on the attendance?—It was greatly increased—it increased in the same ratio as the boys'.

Rev. John Francis Cole.

THE IRISH
Rev. John
Fleming Cole

439. Where had the new pupils been previously receiving education?—Some in the convent school, some in private tuition.

440. Are all your pupils Protestants?—Yes.

441. Are all members of your own Church?—Yes, except five Methodists in each school.

442. Thence we understand that until the Church Education School was put an end to, a considerable number of Protestant children went to Roman Catholic schools, but immediately on the opening of the Church schools as National schools, "Mixed Education" came to an end in Portllington?—That is so.

443. What because of the female teacher?—She went home to her father, and I tried to get her a school, but I failed, and I heard she went to America.

444. What teacher did you get then?—I got a claustral teacher—first of the second class—from the Church of Ireland Training College. She did not give satisfaction and I dismissed her, and the present teacher succeeded her.

445. She is first of the second class?—Yes; She came to me from Clonsilla Parish National School.

446. In either of these schools are any extra subjects taught, besides the National school programme?—No, not now; the ordinary subjects are so extended now—some subjects that were not taught a few years ago have been added—that they have enough to do if they teach them all now.

447. Dr. TRAILL.—Algebra is in the ordinary subjects?—Yes.

448. Lord Justice Fitzgerald.—In the boys' school you had six boys in the 6th class?—Yes; that is the highest class. The teacher is qualified to teach algebra and Euclid, and the boys are inspected two or three times a year.

449. Is there any other primary Protestant school in or near Portllington?—No.

450. There is a higher school?—Yes; only lately re-established.

451. That is entirely a private establishment?—Yes, solely a private establishment.

452. Some time ago you had a very large private school here?—Yes, under Dr. Wall.

453. But since he left here you had no private schools?—We had one or two adventurers who failed.

454. I believe Canon Ewing is moving his school from Pansostown over here?—Yes, and I think it is likely to be a success.

455. That is an intermediate school?—Yes.

456. Are any of your boys now free pupils?—Yes. We introduced a new rule; there was a graduated fee of from 1s. 10d. a quarter in the lowest up to 3s. in the upper class—the 6th class—that included the extra subjects, but there is also this understanding with both teachers, that if the parents are poor there is no fee charged.

457. What proportion of the children have absolutely free education without charge?—Without employing my books I could scarcely tell you exactly. Perhaps from one-eighth to one-tenth pay no fees.

458. Are there any who pay partial fees?—There are some who in the higher branches and for music pay partial fees; in fact whenever the parents complain of the amount of the fees being too high I may very well, I will settle that, and I let the fees go.

459. Is there anything you wish to say as regards the efficiency of the schools—are they working well as denominational schools?—I think they could not be better worked; the children are well taught; both the master and mistress are very satisfactory in their manner of teaching.

460. Dr. TRAILL.—Do you give the scholars any industrial education?—No.

461. Does the schoolmistress not teach the girls sewing?—Yes; the workmistress teaches sewing, that is a compulsory subject: knitting, sewing, and drawing.

462. Do the boys all learn drawing?—Yes; I thought you referred to mechanical industry.

463. Have you the new Industrial Programme in

force?—Yes; the moment it was issued I put the schools under it.

464. Lord Justice Fitzgerald.—You did not ask for exemption for the 5th and 6th classes of girls?—No, I would rather encourage it.

465. Do you find that it suits your girls?—They complained that they found it rather hard, but I would not condemn it until we had given it a fair trial—the teacher and children were complaining of it, but I said they should give it a year's trial, and then I will apply to have it taken off if I see it is too hard.

466. Mr. Justice O'BRYEN.—Did the complaints arise on account of the indisposition of the girls to engage in the work?—No, there is nothing in the temper of the girls to prevent the rule being adopted.

467. Dr. TRAILL.—Do you find it interferes with the literary instruction that I suffered. I had three quarters of an hour for religious instruction, I started at 10 and began secular work at 10.45.

468. Lord Justice Fitzgerald.—What do you do in the way of personal supervision?—I make it a rule to go once a week if at home, but I go very many times besides that.

469. Then you visit the school at least once a week?—I catch once a week, and I also go in whenever I have an opportunity. The teachers never know when I may come in; I superintend their work to see that everything is being conducted in the proper way.

470. What do you do in the way of teaching?—I don't interfere with the secular work, but I give religious instruction in each school every other week.

471. For what length of time?—The boys for three-quarters of an hour and the girls for half an hour.

472. Besides that do the teachers give religious instruction according to the Board rules?—Yes, daily.

473. What is the endowment—first take the building in which the school is held?—I can only give you the history as I got it myself: we have got as title, but we have possession for more than 50 years. That is the only title we have, and I would be very glad to get a better one.

474. Mr. Justice O'BRYEN.—How did it come into your hands?—We got it in this way: A meter of Len and Portllington, named Roland Green—Len and Portllington were one parish, and Portllington was the Chapel of Ease to Len—about 50 years ago bought the plot of ground where the schoolhouse now stands, and the house next to it where the late Very Rev. Sir John Wolsley lived.

475. He was Dean?—He was not Dean then—he was curate of Portllington.

476. Curate of the Chapel of Ease?—Yes; when Mr. Green was leaving the parish, he said to Mr. Wolsley, you have some money and I want to get rid of this piece of house property, on condition that you shall that house that is being used as a schoolhouse to be a schoolhouse for all time for the Protestant children of Portllington—I will give you the remainder for 250. In that way it came into our hands, and we have it ever since.

477. Doesn't you think it a very good title?—We have only the words of old Bunnell, the old teacher to whom reference has been made, to prove it.

478. Lord Justice Fitzgerald.—You have held and used it for the purposes of the school for over 50 years without rent or a house claim?—Yes, and we kept it in repair.

479. Is there any land connected with the house?—No, we have the house only.

480. Mr. Justice O'BRYEN.—Was there not an acre of land attached to it?—There was, but Mr. Wolsley cut it off. He was to allow a house for a teacher also, the teacher lived in the end of the building where Dean Wolsley's house is standing now, and he said to old Bunnell, "I want to add to my house and make it a better house, and I will pay the rent of a house for you until I build you a new house." Bunnell went out immediately and gave him possession, and

after twelve months' time, the master's house was not built, and Daniel said to Mr. Walsley, "I cannot afford to live out any longer, you promised to build me a house, and you never did." He said, "I have had out all my money in building, but if you can help me I will build it." Then Daniel said, "If a 25 acre will be of assistance I will give it," and he said, "Yes." He built a house right across the yard inside, which is there to the present time.

481. Lord Justice Fitzgerald.—Is that used by the master?—No, it is built across the yard, with an opening into Mr. Walsley's yard.

482. Dr. TRAILL.—Did Mr. Walsley keep it in his own hands?—Daniel went to it, but it was never finished properly, and he got rheumatic fever. He said he could not live there, and he let it to a tenant, who was not agreeable to Mr. Walsley, who said "you must turn out this tenant. I will pay you the rent, and take the house myself." Daniel turned out the tenant, and Mr. Walsley paid Daniel the rent of a house in the street for one year, then he said the house was his own, and he could not afford to pay him any longer.

483. Then you have nothing but the building of the schoolhouse with the narrow strip of yard at the rear?—That is all.

484. Who is the representative now of Mr. Walsley?—His property is all incumbered and in Chancery at present.

485. Would the house in the yard be of use to the school if you got hold of it again?—Certainly, it would be very valuable.

486. Lord Justice Fitzgerald.—Have your teachers no residence?—No. I have offered to buy two houses in the town for them if I can get a title. The title is in the hands of Messrs. Fry and Sons for two years.

487. Mr. Justice O'HANNA.—Where will you get money?—We will try to get it afterwards.

488. Dr. TRAILL.—I suppose house property is cheap?—I never saw any sold—small houses are dear and hard to get.

489. Lord Justice Fitzgerald.—You could apply for a loan to buy a school teacher's residence?—Yes; I have applied. I will get two-thirds, and I will raise the other third. The loan has been sanctioned by the Commissioners, and the houses have been passed by their inspectors, if we can only get the title.

490. What is your endowment?—£78, less taxes which are about £19 or £15 a year, leaving £63. There is quit rent, and tithe rent, and poor-rates and county rates, and income tax.

491. Have you any of the documents under which the endowment arose?—I can only give you my power of attorney, my own licence as head master, and the lease of one tenant.

492. Give me your own licence first?—(Licence read.) This is signed by the Archbishop of Dublin, as Bishop of Kildare, to the Rev. John Francis Cole.

* Whereas the office of schoolmaster of the French School, Portlinton, is now vacant by the death of the Rev. Joseph Robert Tripbach, &c., the late schoolmaster thereof, and the said office of full right belongs to our institution, and free disposal, and we have greatly desired that the children of Portlinton abroad should be instructed in literature and good morals, we do by these presents nominate you, the said John Francis Cole, to the office of schoolmaster abroad, and do by these presents grant you licence and authority in you in whom industry, learning, religion and other gifts of providence, we very much confide, to instruct children in literature and good morals in said school of Portlinton, and we do by these presents name, create, make, and constitute you, the said John Francis Cole, master of the said French School at Portlinton, together with all and singular the salaries, perquisites, and emoluments belonging and appertaining to the said office, (or which ought to belong and appertain in any manner thereunto), yet during our will and pleasure only, and not otherwise. Witness this 29th January, 1892."

493. I suppose as regards salary and emoluments this resembles a nominal appointment still?—I am sorry to say it is more than that—I am very often out of pocket.

494. How does this right of appointment arise?—

I must refer you to His Grace for that. He has the original documents.

495. What reaches you in the way of money from the endowment?—About £62 a year.

496. How does it come to you?—From tenants.

497. Then you collect the rents?—Yes, and for receipts as licensed headmaster.

498. You produce a lease of August 12, 1851?—Yes.

499. This is between the Archbishop of Dublin, as Bishop of Kildare of the first part, Rev. John Powell, of Portlinton, clerk, of the second part, and James Johnston, of Portlinton, shopkeeper, of the third part—the Rev. John Powell was rector at that time?—Yes.

500. The deed divides two houses in the main street for 41 years, at £19 a year, the rest is payable to the Bishop. There is also a covenant to keep the premises in repair, and a declaration that nothing therein contained shall be taken as a covenant that the bishop has good title to make this lease, or that James Johnston shall have quiet enjoyment of the premises.

501. How do the other tenants hold?—They hold yearly.

502. How many tenants do you get rent from?—(Rent book produced). This shows them all, and the amounts.

503. I see you closed the year 1891 with a balance due you of £50 5s. 6d. You then received one year's rent of the Advertiser estate, £17 18s. 10d.—what is that?—It is leased property, Lord Galway's land—the estate was sold and Advertiser bought it. We have then half a year's rent due of John Dempsey, that is a little holding of old school premises. We have then a half year's rent by John Johnston, £9 10s., and the Coery bequest, £13 17s. 6d.

504. Where do you get that?—From the Commissioners of Donations and Bequests.

505. Are you including this £13 17s. 6d. in your £78 endowment?—Yes, the net rental is only £63.

506. Lord Justice Fitzgerald.—Were all except the Coery bequest forming the Earl of Galway's estate?—Yes, except two holdings that were the old schoolhouse.

507. I see one year's rent out of "Wood's estate"?—The year's rent is £19, the deductions make it only £10 net. The Wood's estate was also Lord Galway's—Wood bought the interest.

508. James Johnston's take at £19 a year is part of the old school premises?—Yes, and Dempsey's is also.

509. Then Lord Galway's endowment consists of Advertiser's producing about £18, and Wood's estate producing about £10 a year?—Yes.

510. How do you lay this money out?—I pay the master £10 a year, whether I get the money or not, and the mistress the same.

511. Dr. TRAILL.—In addition to the Board salary?—Yes; that is what is called "local aid."

512. Lord Justice Fitzgerald.—You do all the repairs to the building?—Yes, and I pay for cleaning.

513. I see some little expense is going to Dublin to investigate the title?—I may say, in explanation of that item, that I had a good deal of trouble with the Advertiser agent; he did not pay the rent until I could tell him where the money came from. I was not able to tell him the way in which the title ran, and I had to employ counsel to search the records and to go to Dublin six times about it. However, I got it in the end.

514. You spent 10s. for rail, and £1 1s. 6d. for a search, and a guinea for advice last year?—Yes.

515. Dr. TRAILL.—Was it the tenant or the agent who would not pay?—The agent to the Advertiser property was Mr. Berwick, of Bandon, for a number of years, but the agency was transferred to Mr. O'Conor, of Oldcastle, and he refused to pay until I proved the title.

516. Lord Justice Fitzgerald.—Do you know anything about the deeds or title to the land?—I know that there are title deeds, and the Archbishop has them.

517. What is the other document you have?—Simply a power of attorney, which comes to me in the same way as my licence.

518. This is an important document—it is dated

On 14, 1891.
Rev. John
Francis Cole.

On 11. 1881.
Rev. John
Finnis Cole.

June 15th, 1847. It is from the Archbishop of Dublin to the Rev. John Powell, and appoints him as attorney to collect the rents—

"The two schoolhouses and the grounds and gardens therewith respectively held, situate in Portliffington, and now in the possession of John Cooke, or his under-tenants, which, by indenture dated September 26th, 1701, were conveyed by the trustees of the said endowment for the time being to the then Lord Bishop of Kildare and his successors for ever for the same."

Does that include both Lord Galway's and the old schoolhouse property all together?

519. Dr. TRAILL.—How is it that the payment of the rent for so many years was not considered sufficient title by the agent?—I did not want to go to the expense of suing him. The agent wrote—"I shall be much obliged for the following information—what is the nature of the charge payable to the Archbishop of Dublin—is it rent or rancharge, also out of what lands does it arise? I want to know this particularly for the information of the trustees. On hearing from you I will send my cheque."

520. Mr. Justice O'BRIEN.—Who was the owner at that time?—Adelgren, and Mr. Weld O'Connor was agent.

521. Dr. TRAILL.—His office books showed it was paid for many years?—Yes, it had been paid by Mr. Berwick, and he had paid it himself several times before this.

522. Lord Justice FRYGEMAN.—How did it become Adelgren's estate?—He bought it from Lord Galway or the representatives.

523. Monsignor MOLLOY.—Who is the manager of the school under the National Board?—I am.

524. You held the appointment?—I am only the nominal master of the school?—I am simply nominal.

525. Is there a National school under Catholic management?—Yes.

526. Do any of your children go to that school?—No, not since I got the management of the endowed school.

527. That is the condition of united secular and separate religious education here?—Yes.

528. Lord Justice FRYGEMAN.—But that is the result of introducing mixed education under the National Board. Protestant children had been attending Roman Catholic schools when the Church Education Society had charge of the endowed school?—Yes.

529. Monsignor MOLLOY.—You have some Methodist pupils?—Yes, five or six in each school.

530. Dr. TRAILL.—Are there no Protestants here?—No; we have lately an inscription of two families that are half and half.

531. Monsignor MOLLOY.—Your Church is called the French Church?—Yes, or St. Paul's.

532. The English Church is shut up?—Yes, except for Sunday School.

533. Dr. TRAILL.—Why is this called the French School?—The town was originally for the French people—originally there were very few other people here.

534. Lord Justice FRYGEMAN.—Do you know, by tradition or otherwise, the connection of the Earl of Galway with this place?—Yes, for services to King William III. he got a tract of country round here and he divided it amongst his officers, and he gave a grant to the schools. Then that grant was forfeited to the Crown, but the Crown confirmed the grant to the school.

535. Monsignor MOLLOY.—I suppose French has entirely ceased to be spoken?—Yes; we have some children who can speak French, but it is not spoken in the schools.

536. Mr. Justice O'BRIEN.—Are there no French traditions among the people?—Yes, very great traditions, but so desirous to retain the language, though they have retained the trade and names. Particular trades and names go together for generations.

537. Lord Justice FRYGEMAN.—As far as we can make out, your position as master is nominal, your title seems to involve some little uncertainty and expense, and part of the school premises have been let.

If it was thought advisable to vest this property in a Governing Body for the purpose of holding it, have you any suggestions as to how such a body should be formed?—I have never considered it.

538. Have you no diocesan body for the management of educational property?—The Archbishop as Bishop of Kildare, and I think the Desmond Archbishop of Kildare, are constituted a body under the diocesan rules for the management of Diocesan Endowments.

539. Dr. TRAILL.—There are some laymen also?—Yes, I think so.

540. Lord Justice FRYGEMAN.—The legal title is in the Church Representative Body. If any property formerly vested in the Archbishop or Incumbent, or if a scheme becomes necessary, have you any suggestion to make?—Only this: that when the Endowment is left for a specific purpose, very fully defined, and when there has been no trouble up to the present, there would not appear to be any change required.

541. In the working of the school you mean that there has been no trouble?—Yes, we have no trouble to complain of.

542. Do you know, traditionally or otherwise, whether the rector has the right under the trust to be appointed master?—Yes, that is one of the conditions of the trust.

543. If that is so, it is a trust that might apparently upset all the management of the school; if the rector insisted on his right to be master could he teach this kind of school himself?—I could give the religious instruction.

544. But he could not undertake ordinary instruction?—It is not very likely he would. He would have enough to do without it.

545. Monsignor MOLLOY.—But he would have the right to act as master, if he chose to do so?—Not under the National Board.

546. Lord Justice FRYGEMAN.—No, but if that trust, which at present is giving no trouble, was altered, it would necessarily lead to a breaking up of the present arrangements of the school?—Yes, it would, or it might give a great deal of trouble.

547. That would be one reason why it might be wise to take this opportunity of having the trusts reduced to modern practical limits?—I can offer no suggestion in that matter.

548. You are, as far as the papers before us indicate, head master, holding at the will and pleasure of another?—Yes.

Mr. Justice O'BRIEN.—Nominally schoolmaster, in reality manager and agent to the trust.

Lord Justice FRYGEMAN.—You are collecting the rents under a power of attorney given to your predecessor 50 years ago; it is very credible that you are working so quietly, and that nobody but Mr. O'Connor has put you to trouble or expense.

549. Mr. Justice O'BRIEN.—How was it that Dean Wolsey was not Incumbent?—He was only clergyman of St. Michael's, the English Church. When the English-speaking population increased, it was necessary to have an English-speaking clergyman, and that is why there were two churches, one for the English-speaking people and the other for the French.

550. Monsignor MOLLOY.—Was there a French pastor?—Yes, up to 1820.

551. What is the date of the building of the French Church?—1699.

552. Professor DOUGHERTY.—Had they a service of their own or did they use a translation of your service?—They used a translation of the Church of England service. I have records to show that. The people who came here were mostly retired officers with some means of their own.

553. Mr. Justice O'BRIEN.—Is the house that is built across the school yard unoccupied now?—Yes.

554. How long?—Since the Dean's death.

555. Lord Justice FRYGEMAN.—It has been in possession of tenants and it is empty now and in the hands of the executors?—Yes, and it would not be worth the cost of trying to get it back.

The inquiry closed.

PUBLIC SITTING—FRIDAY, OCTOBER 16, 1891.

Oct. 16, 1891.

At the Courthouse, Cork.

Present:—The Right Hon. Lord Justice FITZGERBON, and the Right Hon. Mr. Justice O'BRIEN, Judicial Commissioners; and the Right Rev. GERALD MOLLOY, D.D., D.S.C., ANTHONY TRILL, Esq., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, M.A., was in attendance.

SCHEME No. 105.—MIDDLETON ENDOWED SCHOOL.

(OBJECTIONS AND AMENDMENTS).

Lord Justice FITZGERBON made an introductory statement.

Albert A. Sord, M.A., examined.

550. Lord Justice FITZGERBON.—Since we were last here you have continued master of Middleton School?—Yes.

551. You are still carrying it on?—Yes; we have now eighteen day boys and twenty-four boarders.

552. Then your numbers, both of day boys and of boarders, have slightly increased?—Considerably.

553. Where are the twenty-four boarders from?—Most of them are from the County Cork, but a good many from different parts of Ireland—Limerick, Galway, Queen's County—chiefly the South of Ireland.

550. I suppose your curriculum is the same as before?—Quite the same. We prepare boys for the University and Intermediate examinations, in fact for every examination, and for commercial life.

551. Are all your boarders paying boys?—Yes, all are paying.

552. What is the stipend?—£40 a year. I may in particular cases make a reduction if I see cause for it, but that is the rule.

553. What do the eighteen day boys pay?—Eight guineas a year, and for boarders six guineas each. There are six free boys on the foundation.

554. How are they nominated?—By the trustees. Each trustee has one nomination in turn.

555. Where do these boys come from?—They come from Middleton and the immediate neighbourhood. I have three day boys from Youghal. They come by railway every day.

556. What are the religious denominations of the boarders?—With the exception of about three or four, all the boarders belong to the Church of Ireland. We have some Presbyterians and some Methodists. We have no Roman Catholic boarders. There are five Roman Catholic day boys and the rest belong to the Church of Ireland.

557. Mr. Justice O'BRIEN.—There was a time when the school was largely attended by day pupils from different parts of Ireland who came there but could not pay the expense of boarding—that is not your experience?—That is not my experience. So many large schools have sprung up throughout the country of late years, and the conditions of education have so much changed, that does not occur.

558. Professor DOUGHERTY.—Is not there an endowed school at Youghal?—There is.

559. Is it in operation?—I believe so.

Lord Justice FITZGERBON.—It has an endowment of £20 a year.

560. Mr. Justice O'BRIEN.—I suppose you have some knowledge of other schools in Ireland attended by day pupils. Do you know that there are many instances where the reputation of the school teacher has the effect of aggregating in the locality from distant parts of Ireland a large number of pupils?—I don't think that is the case now so much as it used to be.

571. I could name instances where it is the case at present?—I have no doubt it is the case sometimes.

572. I could name a very remarkable instance of it that came under our observation?—I know there are cases, but it is not so common as it was.

573. To what class do the Roman Catholic day pupils belong?—The sons of gentry and respectable farmers.

574. Are there any of the number sons of persons holding official positions in Middleton and the locality—officers of Constabulary or officers of the excise?—We have not at present the sons of any officers of Constabulary or of the excise.

Rev. Dr. MOORE.—You have one policeman's son.

575. Mr. Justice O'BRIEN.—What is the authority, are you aware, which gives the trustees separately, and not acting in concurrence with each other, nor using their joint discretion, as a sort of perquisite the right to name a free pupil?—I am not aware of any special authority.

576. It becomes a matter of private property in that way, does it not?—I don't know of any regulation on the subject.

Rev. Dr. MOORE.—I gave evidence on that point before.

577. Mr. Justice O'BRIEN.—Who gave them that authority?

Rev. Dr. MOORE.—They assumed it.

578. Mr. Justice O'BRIEN.—That is what I assumed too.

Rev. Dr. MOORE.—Some years ago Mr. Scott proposed that three pupils should get in by examination, but the other trustees did not agree, and the fact remains. But the master has always been most liberal.

579. Dr. TRILL.—Did the full board approve afterwards of the nomination by a single governor?

Rev. Dr. MOORE.—No. The practice had been in existence in Dr. Hodgkin's time, in 1840.

Lord Justice FITZGERBON.—There may be an understanding among the governors that each in turn nominates and the others do not object, but a governor has no legal right to nominate independently, it is not a legal arrangement.

580. Mr. Justice O'BRIEN.—Have you any suggestion that you think would have the effect, if carried out, of putting the school on a broader basis, and increasing its growth?—It is all a matter of funds.

581. But the funds are the same as when there were 120 pupils?—The classes that frequented the school are not in the same position; and furthermore a great many who formerly sent their sons to schools like Middleton send them to England now.

582. Lord Justice FITZGERBON.—In 1869 there were 110 pupils—39 day boys, 6 free, and the remainder boarders. In 1878 the boarders fell to 69; in 1879 to 56, with 34 day pupils, and 6 on the foundation—90 altogether. In 1880 there were 43 boarders, 27 day pupils, and 6 on the foundation, or

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76 altogether. In 1881, 8 boarders, 23 day pupils, and 6 on the foundation, or 37 altogether. To what do you attribute the falling off in the numbers?—I attribute it to the state of the country beginning to afflict us. For two or three years the land agitation was the cause of a great many of our pupils leaving us, simply because they could not pay.

583. **Monsieur MONTAG.**—What do you mean by saying this is all a question of funds?—I mean that if the endowment were larger the benefits of the school could be extended, and it would attract more pupils.

584. Would that prevent parents sending their boys to England?—Certainly, if the Irish schools could offer greater advantages at lower prices, undoubtedly fewer parents would send their boys to England. That is only one of the causes; another cause is that the clergy are no longer able to pay for their children the fees they could afford previously. Even £40 a year is a large sum for a clergyman of limited means, and since the passing of the Church Act the clergy are a great deal poorer.

585. **Mr. Justice O'BRIEN.**—Some people have a very different impression of the effects of the Church Act, and think the clergy are decidedly better off. Besides, there was not a very large proportion of sons of clergy among the pupils. Middleton is a very prosperous town, greatly improved, and raised of late. You have a congeries of towns surrounding it—Castlemary, Clonyne, Voughal. Do I understand you to say there is not material in these towns and district, capable of yielding from the middle class any larger number than eighteen pupils?—Undoubtedly, if the Roman Catholics of the neighbourhood supported it, and entered freely, there is material enough to supply us with forty or fifty day boys, but the Roman Catholics as a rule hold aloof, although some of them do send their sons, and more may be expected.

586. That shows that their objection is a transient one, and may very speedily pass away?—That was what I intended on the subject.

587. Where do the Roman Catholic boys of the neighbourhood go for their education?—Some of them go to the Christian Brothers' Schools, which teach classics now; some of them come as day boys to Cork, and a great many Roman Catholic people near Middleton send their sons to boarding schools at a distance.

588. **Lord Justice FRANKLIN.**—Is Bishop Croke's School at Clonyne still full?

Rev. Dr. MOORE.—Yes, it is, and a flourishing and well conducted school.

589. As to the £30 a year under this endowment

allowed for exhibitions, are your exhibitions full at present?—They are, more properly, prizes given to boys who distinguish themselves at the entrance examination at Trinity College, one of £30, and one of £20, but they are given in one payment not annually. Two of my boys at present are going up for the exhibition at Trinity College, but neither has been long enough at the school to qualify for the exhibition. They must be three years at the school.

590. **Professor DOUGHERTY.**—Is it your evidence that unless Roman Catholic pupils can be induced to come to the school there is no hope of increasing the attendance?—From day boys, certainly not; we have as many day boys as we can expect to have.

591. **Dr. TRAILL.**—Is there any prospect of a larger number of Roman Catholics going to it?—I think there is; the numbers have increased lately, and I have heard of others who are likely to come.

592. **Mr. Justice O'BRIEN.**—Do you know yourself of any increasing disposition—because some impression has reached members of the Board upon this point—do you know yourself that there is an increasing disposition on the part of Catholics in the locality, and the adjoining localities, to avail of the superior education given in your school?—I could not say that of my own knowledge, but we have had one or two new Catholic boys lately, and their father told me he intended to speak about the school to his friends and to get some other boys.

593. **Lord Justice FRANKLIN.**—You stated that three boys came from Voughal—are they brothers?—No; two brothers and another.

594. Are they Catholics or Protestants?—Two Catholics, one Protestant.

595. **Dr. TRAILL.**—Do you think any difficulty is thrown in the way of mixed education by their spiritual advisers?—I could not speak from my own knowledge on that point.

596. **Mr. Justice O'BRIEN.**—I suppose there are two under-masters at present?—There are three assistant masters besides myself, one for sciences, one for classics, and one for general subjects.

597. **Lord Justice FRANKLIN.**—How have you been getting on at the Intermediate examinations?—Very fairly.

598. About what number of boys have you sent up each year?—I sent up fourteen last year.

Dr. TRAILL.—He got 243 as results from the Intermediate examinations last year.

Monsieur MONTAG.—He will get more this year; they are increased by 50 per cent.

Rev. Thomas Moore, M.A., examined.

Rev. Thomas
 Moore, M.A.

599. I have nothing to state except what has been already stated in the objections of the bishop and others, that a mixed Board would not be likely to pull well together, and from the experience of the past we know the master and governors have all done their utmost to make the benefits of Middleton School as widely extended as possible, and no difference has been made between the boys of one religion and those of another. From my own experience I can say that I have done all I could to induce those of another persuasion to avail of the benefits of the school. I have been as kind as possible in every way to those of another persuasion.

Mr. Justice O'BRIEN.—In reference to this objection to a mixed body of Governors—when you were master, of course you would not allow any interference on the part of the trustees at all. Former teachers never did; they governed the school according to their own discretion, and I have no doubt you governed it according to your discretion.

600. **Dr. TRAILL.**—As long as you were working the school did the trustees in any way interfere with you?—The trustees came down every year and went over the place, inquired into the state of education in the school, inspected the buildings and addressed the boys.

601. **Mr. Justice O'BRIEN.**—And you gave them a good glass of wine and sent them away rejoicing. But you never had any interference with your work as head of the school?—In my time the bishop and others were down continually, and often did a good deal about the place.

602. **Professor DOUGHERTY.**—Are not the principal educational Boards in Ireland, all of them, mixed Boards?—I do not know anything of them.

603. Are you not aware that the Governors of the Royal Schools and the Commissioners of Education have been for centuries mixed Boards?—No.

604. **Mr. Justice O'BRIEN.**—Mr. Moore's ignorance of the matter is a most perfect demonstration that they did not interfere in any way, because he knows nothing about them?—Yes, they did interfere; they sent down the pay and got up returns.

605. **Lord Justice FRANKLIN.**—The Commissioners of Education did nothing in the case of Middleton school but send down the pay and get up returns?—The trustees used to visit the school from time to time, regularly.

Mr. Justice O'BRIEN.—A very real interference was the nomination of pupils.

Mr. Burd.—The Commissioners of Education looked after the repairs very well; they sent down their architect to carry out everything in regard to building that was necessary, and carried out every recommendation I made as to repairs.

606. Lord Justice Fitzgerald.—Where did the money come from that was spent on repairs?

Mr. Burd.—From accumulations of the endowments while certain departments of the school were dormant. When I was appointed it took three years before I could send anyone up for the £500 exhibition, and money accumulated.

607. Mr. Justice O'Brian.—Had you, Dr. Moore, ceased to be manager of the school before the influence of the Intermediate Board and its results had begun to be felt?—No; I worked it for some time. I removed in 1882.

608. The influence of the Intermediate Board had hardly time to have operated then, because you knew this passion for education and its avidity for results has been spread very widely?—I got my share!

609. Lord Justice Fitzgerald.—What do you propose as to the Governing Body? The only point—and it is provided for under the scheme—was that they had no power to remove the master should it become desirable. And no power to allocate or appropriate money other than the £30 and £30 a year, and so forth, mentioned in the deed?—Yes, they did allocate the money for building and repairs. The only defect that needed remedy was that the Governors should be enabled to remove a master who was inefficient.

610. Mr. Justice O'Brian.—From the result of your experience—though you are courteous—have you any suggestion to offer as to how the Board might carry out a larger effect by it?—My idea always has been to let the contribution of the school be as before, and add the power of removing inefficient masters. It has always been an open school; Roman Catholics as well as Protestants have gone to it, and there has been no let or hindrance.

611. They have gone as Daniel went to the Lion's Den?—Not at all.

612. They have gone there, Mr. Moore, under the shadow of a great discouragement?—Not of late years; not in my time by me.

613. I am very glad to hear you say that. I was very anxious to hear how this school was progressing, and an idea was occurring to my mind as most likely to explain the advance of this school. It was originally intended to be provided out of the revenues of the property which came to the family of the Countess of Orkney, and was founded by her in fulfillment of the actual obligation that arose from the revenue issuing out of the property, for the advantage of the tenantry of that locality?—The property is fifty or sixty miles away from the school, and Sir Allen Broderick placed it where it is to suit himself.

614. But the property of the Broderick family is in and about Miltown?—Yes; and they gave twenty acres at a small rent to enable the School to carry on.

615. Lord Justice Fitzgerald.—Let me read what Mr. Moore said on the last occasion on the question of a governing body. I asked:—

"It appears pretty obvious that the Board of Visitors cannot be relied on to attend and take any active personal interest in the place?—None, except the Bishop and Viscount Miltown. Viscount Miltown lives in England."

"He comes over specially?—Yes, he does. He takes the greatest interest in everything. Lord Shannon never attended."

"As we have got the power, it is our duty to try and create a proper governing body that will take an interest in this Endowment. How would you suggest that could be done? The bishop appears to be ex-officio, and I presume, from what you say, that the rectors of the parish would be an ex-officio member also?—Well, he always has been by custom."

"Is there any objection you know of to making the custom a lawful custom?—No; I think it is very desirable that the rector should be as being on the spot."

"Where would you look for the other members?—Well, Lord Miltown has always taken a deep interest in the School, and he ought always to be a member. He represents the founder and the school lands have always gone with the school, simply by Lord Miltown's own private wish."

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Then coming back to this same matter again I say to him:—

"Suppose we had ex-officio the Bishop, the rector of the parish, the owner of the estate, Lord Miltown, and above him, if he chooses, to nominate one for himself, or instead of himself?—He would nominate his agent."

"That would make four, and if you allowed the Select Vestry to put on two, and the Diocesan Council a couple, we might give you leave to co-opt the rest?—A diversified plan of that kind would work remarkably well, because it would secure the variety we want."

Then he says that four should be the quorum.

Since then the draft scheme has been published, and substantially what you threw out there is the basis of this draft scheme—that the Bishop and Lord Miltown should be ex-officio Governors, that there should be four co-opted governors, and three others, persons experienced in education. The difficulty of naming such bodies as the Diocesan Board of Education, the Select Vestry, or the Diocesan Council is that you would put on the face of the scheme a provision of an exclusive and denominational character which the endowment does not appear to possess.

616. Mr. Justice O'Brian.—Are not you quite satisfied that when there is an able strong master there, he would look upon those trustees as mere men of straw, and would not mind them a bit?—I would not say that; the only thing is that we want them to be Protestant.

617. Dr. TRAILL.—Has there ever been a governing body since this school was founded that was not entirely composed of Protestants?—Never.

Mr. Justice O'Brian.—That question of my colleague is entirely at an end since the Resignation Act. It is not competent for him to repeat it.

618. Right Rev. Dr. Gregg, Bishop of Cork, Cloghan, and Ross, stated.—The history of the school shows that its working and its success have been principally as a boarding school, and any one who knows the circumstances will see that it is extremely improbable that there will be any large number of day boys attending that school. The Roman Catholic people are very naturally providing higher education for the children of Roman Catholics. The school has been from time to time most successful as a boarding school, and its character has been that of a boarding school. The objection we have is simply one of principle, and I might appeal to Dr. Melloy, I think, if the objection would not be maintained that it is impossible for a mixed body to satisfactorily govern a boarding school. That really is the objection we have. So far as the present trustees are concerned, and I myself am concerned, we should not have the least objection to the members appointed by persons interested in education, as mentioned here, provided one condition were introduced, which we think justice requires; that they should be members of the Church of Ireland. We have no objection to a member of the board being appointed by the Intermediate Education Commissioners, or by the Provost of Trinity College, provided he is a member of the Church of Ireland. Nor have we the least objection to the President of the Queen's College, Cork, being appointed, provided he is a Protestant, but that in the state of the country is not likely to be the case. The school has been always conducted by a Church of Ireland Head-master who has very frequently been a clergyman, and it is so still. The Conscience clause has been always admitted and observed in the school, and we have no desire to see that removed. I hold here a letter from Lord Miltown; he has objections of the strongest possible character to the scheme as proposed; he intimates that he would not conceive himself bound to continue

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 Moore, &c. &c.

the accommodation land that is at present given to the school if the character of the school is altered; he also says that he would not see his way to acting upon the board which is here proposed. I should also say for myself that I should not see any way to act on the Board which is here proposed. We have the very strongest objection to it: we think that the old character of the endowment should be upheld, and that it calls for a different arrangement.

619. Lord Justice Fitzgerald.—So long as there is an efficient Headmaster, who will be master of the school and of the governing body also, it does not so much matter; but the object is to have a board capable of dealing with a Headmaster who has ceased to be efficient or suitable. What form of governing body do you think would be most likely to provide for that event? There were long periods when the school was inefficient through the absence of control.—The difficulty would chiefly arise in the case of the appointment of the Headmaster.

620. But his removal is more difficult than his appointment.—I think that should be provided for. We have no objection to that addition being made to the powers of the former board.

621. Do you think it possible to meet the difficulty as to a mixed board by having a distinction drawn between boys of the several denominations, or at least between the day school and the boarders.—I do not think it would be practicable.

Rev. Dr. Moore.—The day boys have always been very small in number.

622. Dr. TRAILL.—What is the accommodation?—For seventy or eighty boys.

623. If the boarders ceased to cause the buildings would be practically useless?—Yes.

Mr. BURL.—It would be impossible to maintain the school in any efficiency without the boarders. What I make from the day boys would not be sufficient to get bread for me.

624. Monsignor MOLLAY.—It is the boarders that support the school.—Certainly. What is got from the day boys is very trifling. The boarders enable me to keep up the school and pay the master.

625. Lord Justice Fitzgerald.—What is the total amount of money realised from the endowment apart from the regular fund?—£135; my own salary of £92, and £40 allowed for masters. Of late years my taxes have been paid also.

626. All the land that belongs to the school is three rods with the schoolhouse, outhouse, and other buildings thereon, held in fee-simple.—The trustees also hold another portion of land at a yearly rent—three acres plantation measure or thereabouts.

Rev. Dr. Moore.—It is 18 acres.

627. Dr. TRAILL.—There is no lease from Viscount Middleton?—No; they are held from year to year.

628. Mr. Justice O'BRIEN.—The sovereign of Middleton was an office out of the governors?—He was.

629. He has gone the way of all flesh. When would you put in his place?—His place would be filled by the master. The last sovereign of Middleton was the master.

630a. Right Rev. Dr. Gregg.—Is not Lord Middleton the sovereign?—

Mr. Justice O'BRIEN.—There is no sovereign.

Rev. Dr. Moore.—The master was the sovereign.

630. Mr. Justice O'BRIEN.—Did Lord Middleton in his letter specify any particular grounds for objecting to act on the Board? Does he concern in these objections?—

Right Rev. Dr. Gregg.—Yes, he assents to the objections.

Witness handed in the letter received by him from Lord Middleton in reference to this subject. Lord Middleton wrote:—

"I have received, as no doubt your lordship has, a summons to attend at Cork next week with regard to the Middleton College inquiry. I was in Ireland all September, and have just come back. It is impossible for me to go over again next week, but I think we can safely leave the case in your hands. I desire to emphasise the objections that were raised at our meeting, and which I shall raise again, should it unfortunately become necessary, in my place in the House of Lords. I have been fortunate enough to be able to co-operate cordially with Roman Catholic colleagues on several boards dealing with many matters of business, but the management of a boarding school is not a position in which I think members of different creeds may be associated with any prospect of success, and so far as I am concerned, I could not accept such a position. I should very much regret having to sever myself from an institution which was originally endowed by a member of my family, and with which they have been connected for over two centuries, but I am afraid no other alternative would be open to me if the scheme as proposed were eventually to become law."

SCHEME No. 110.—THE CROFTON ENDOWMENTS, CLONDRIBID.

(OBJECTIONS AND AMENDMENTS).

631. Lord Justice Fitzgerald.—The next case is that of a very unfortunate endowment, and there are several objections with regard to it. In 1816 Maria Annandale Crofton gave two acres of her fee-simple lands at Clondribid for the endowment of a school for the education of the poor children of that neighbourhood. The trust devised a perpetual yearly rent of £40 Irish for the support and maintenance of said school, and she included in her will a direction that each child who should attend the school should be furnished with a copy of the Holy Scriptures. Two acres of land were allotted, and a schoolhouse was built. In 1860, thirty-five years after her death, no school had ever been opened, the schoolhouse had become ruinous, the rentcharge had accumulated, and in that year the Commissioners of Charitable Donations and Bequests proceeded in Chancery and recovered arrears which they invested in the purchase of £308 Government Stock. Of that amount they subsequently sold as much as produced £285 cash, and they spent that in re-building the schoolhouse, making it a good, proper, and sufficient schoolhouse. The balance of £215 Government Stock remained in the hands of the Commissioners until it was put as I shall mention. The schoolhouse was opened and a school was carried on in it up to 1880, when trustees were appointed, and

a scheme settled in Chancery for the future government and management of that school. The scheme provided that the school should be open to all poor children, between the ages of five and fifteen years, residing on or in the neighbourhood of the estate of the testatrix, of all religious persuasions without distinction; that instruction in the Holy Scriptures should be afforded to such of the children as should be willing to receive it—to such as were not Roman Catholics in the version authorized by the Church of Ireland, and to Roman Catholics in "the Douay or other version authorized by their church"; that no child should be obliged to attend any religious instruction to which his parents or guardians objected; that the Patron of the school should be the heir-at-law of the Rev. William Henry Crofton, the devisee of the testatrix; that if there should be no such heir-at-law, or he should decline to act, the Patron should be appointed on application to the Court of Chancery. The Patron was to appoint a manager, resident in the neighbourhood, who should have the nomination of the master and the mistress of the school. The school was started in 1880 as the Crofton School, Clondribid. Mr. Edward Hugh Robert Crofton is now the Patron, the Rev. Mr. O'Sullivan, rector of Murrone, is the manager, and the premises

are vested in Mr. Minnear, of Macroom, as sole surviving trustee. The numbers attending the school have fallen away practically to none at all. A school under Roman Catholic management has been erected close by, and at the Crofton School there were only a very few Protestant children occasionally attending, the children of the schoolmaster being the only regular attendants. The Roman Catholic School alongside is a very large school, and is carried on in extremely inefficient premises. It is called the *Gurran Male and Female National School*. The £235 *ls.* *6d.* government stock in the hands of the Commissioners, except £28 *7s.* spent on the school, and a sum of 23 *9s.* *7d.* still remaining in cash, was spent as the *Charities* proceedings. We have had a report from the district Inspector of the National Board. From this report we find that there was, at the time of the Inspector's visit, a master in the Crofton School, and he is still in possession. He has got no pupils except his own family. He is drawing a salary for teaching them, and living in the schoolhouse. The proposal in the scheme was to utilize the school buildings for the purposes of the *Gurran Roman Catholic School*, and then the money endowment, the £40 a year that is going as salary to the master, should be applied for the benefit of any school that would be established that could make provision for the children of the neighbourhood. The provision of the testatrix was for the education of poor children of that neighbourhood; and although each child was to get a Bible, there was no question that children of all religious denominations have an equal claim to the advantages of the endowment. We propose that these school buildings should be used either as a residence for the teacher, or as additional premises for the *Gurran National School*, which are overcrowded, but that in return, these schools should be conducted under the rules of the National Board as vested schools, and so made available for the religious instruction of Protestant children or Roman Catholic children requiring such instruction; furthermore, that if at any time there should be ten Protestant pupils on the roll, there should be a Protestant assistant teacher. Provision thus was made that the £40 a year, now going to the schoolmaster who has no pupils but his own children, should be spent in buildings, in local aid to the teaching staff, and in primer. There is a further provision that in case the manager of the *Gurran School* should not be willing to place his own school under the rules applicable to vested schools, then within two years after the scheme has been confirmed, one half of the endowment should be paid to the manager of the nearest National School under Roman Catholic management, and the other half to the nearest Protestant School under Protestant management. We have an objection by the Rev. Mr. O'Sullivan, Rector of Macroom, first in the form of a claim to have the endowment transferred to Macroom. The difficulty about that is, that our Act of Parliament provides that where money is left for the benefit of any particular class of persons as inhabitants of any particular locality, we are not at liberty to transfer it to any other place (reads clause). That clause is mandatory, and we are bound to carry it out. There is here a provision that the poor children of that neighbourhood, that is the neighbourhood of the estate of the founder, shall have the advantages of this endowment. There can be no doubt that they want education, because the number attending the *Gurran School* is very considerable, and we could not find any evidence that the children of the Crofton Estate would be able in any substantial numbers to attend a school in Macroom. The distance is over three miles, and outside the National Board limit. There is also a serious question as to what should be done with this schoolhouse. It is part of the endowment which cannot be removed to Macroom, it is not at present useful for teaching purposes, and

we really feel that not merely in law, but in common sense and fair dealing, we ought, if we could, to make it useful for teaching the children belonging to the place. The Bishop has sent in an objection on the ground that the condition that every child should receive a Bible, is disregarded. His lordship says that some of the Crofton tenants live nearer to Macroom than the present school. The Standing Committee of the General Synod also object on the ground that the tendency of the scheme is to hand over to the Roman Catholic Church the entire endowment of a school which was intended to be conducted on Scripture principles, the Protestant version of the Bible being given to each of the pupils. That may be, but it was not the view taken by the Vice-Chancellor, who ordered that the two versions should be employed. They further object to the endowment which was left for the establishment of a school being diverted to other purposes. The difficulty is that the schoolhouse is in a place where there are no Protestant children to avail of it. They object to the permission given in Clause 9 to the manager of the *Gurran School*, to claim the premises as being wholly regardless of the Church of Ireland's claims. I should be glad to hear anything to explain what that means. The permission given to the *Gurran School* manager was given to him on legal grounds, in the interest of the poor children of the estate, and that the school might be made useful for the purpose of their education. They further object to the property described in Schedule 2 being applied as proposed. They say it would be manifestly unjust, and would tend to shake all faith on the part of the public in the maintenance of endowments intended for a certain purpose if a school intended for Protestants were handed over to Roman Catholics without making provision for the Protestant children. The evidence which we took on, the point shows that we could not find any children wanting, except the children attending the *Gurran School*, who could at present attend the Crofton School. The evidence of the Rev. Mr. O'Sullivan given on a former occasion. I ask—

—What is the present state of the school?—It is very low, and for that reason I would ask the Commissioners to transfer it, as has been done under similar circumstances, with a school also founded by Mrs. Crofton in the County Wicklow that was transferred from Leixinch to Ashford.

—Where do you say it ought to be transferred to?—To the town of Macroom.

—What distance is it from Macroom now?—About three and a half miles.

—Is there any parochial school in Macroom, itself that is under your management?—Yes, and I would like to unite the two, because the number of children is reduced to seven, and I am not satisfied with the efficiency of the school in any way. In the interim, even of the seven, I would wish it remained to Macroom.

—Lord Justice Stansfeld—How could those seven children get into Macroom?—They would be quite as convenient to Macroom as to the school when the teacher removes to his former residence in the parish.

—What school have you in Macroom to attach to it?—We have a very suitable schoolhouse and school.

—How many children have you in it?—About twelve.*

We also had a letter on the matter from the existing trustees of the property, Mr. Minnear, who says—

—Since the departure of the late teacher in 1885 I have looked on the school as a trespasser, because no one had authority to appoint him without application to a judge in chambers. . . . In February, 1886, I had an injunction served on the agent of the Crofton property. . . . Not one penny of the charity passed through my hands. The agent of Mr. Crofton's property has all along been paying the teacher a retainer.

Mr. Minnear was not fully informed of his position, because authority had been got to appoint him. He was appointed by the legal manager of the school, and all he wants to make his position what it ought to be in some pupils. He has been drawing a retainer

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since he was appointed without doing any effective work as a teacher. We should be glad to hear any suggestion as to how we can use the property. Our sole object is to extend the usefulness of an endowment which is at present of no use. There is the school house badly wanted for poor children in the neighbourhood. We should consider any provision whereby it can be made useful to children of all denominations, but that is qualified by the evidence of there being no children except Roman Catholics to avail of the schoolhouse. Then there is this £40 a year; and on that the people living on the estate appear to have the first claim. If the intentions of the founder cannot be satisfied in the neighbourhood, we are empowered to remove the endowment to the nearest place where it could be used, and our scheme provides that in that event it should be divided between the managers of the nearest schools of each denomination. The only remaining matter is this provision about the Bible. In Cork we have met more than one instance of an endowment granted on condition of each child being, at the expense of the endowment, handed a copy of the Holy Scriptures, and of different versions being recognised. It is done to the present day in a school near Malrow, and if the governing body of the school think it a useful device to preserve as a matter of compulsion, I presume we can put it in. On the other hand, having regard to the facilities for procuring copies of the Scriptures in the present day, it is a question whether it is desirable to compel people to supply Bibles which those who get them have already or may not use. There is nothing in the scheme to prevent the governing body providing Bibles, and I would see no objection myself to expressly enabling them to do so. This is a very melancholy case. This endowment has hitherto been good only for the lawyers and for the schoolmaster, who has been educating his own children and getting £40 a year for doing it in a house built at the expense of the Charity. If the objection is maintained that this school must be maintained as a Protestant school, it must be taken away from those for whom it was intended.

Right Rev. Bishop Gregg.—Allow me to suggest a compromise on the subject.

632. Lord Justice Fitzgerald.—Is there any substantial opposition to the buildings being made available for the children of the neighbourhood?—I do not think there is. There is no doubt that there are not Protestant children to attend school in the immediate neighbourhood of the buildings. I think they should be used for the benefit of the poor children in the neighbourhood. I certainly would not object to the buildings being so used for a school in connection with the National Board of Education; but the question of the endowment is a different question. Some of the Protestant children on the Crofton estate live nearer to Macroom than to these schools; it would be more easy for them to attend school in Macroom, and, therefore, I think a portion of the endowment—very strictly carrying out the will of the testatrix—might be given to the school in Macroom. The funds might be divided in a proportion depending just and equitable to the Commissioners, and a portion given to the school in Macroom.

Mr. E. J. Pusey, B.L.—The Lord Bishop must be under a misapprehension; there are no Protestant children on the Crofton estate at all.

633. Lord Justice Fitzgerald.—Mr. Hill, the schoolmaster, has a family of eleven. Two are from home, two are infants, and seven are at school.

Mr. F. H. Garde Browne.—The Hill family, I am in a position to state, are going to live near Macroom.

634. Messrs. Minter.—Mr. Hill is the present schoolmaster?

Mr. Garde Browne.—Yes, he is going to live near Macroom on vacating his present residence. There is also the Bradfield family, who live on the borders of the Crofton estate; there are two of those attending

the school in Macroom. We have a very good attendance on our rolls, some from the Crofton estate, others from the borders of it. When all come in we shall have a regular attendance of twenty-two. In reference to the objections made by the variety whom I represent, the important objection (or claim), and, I think, a very fair one, was that half the funds should be applied to the school at Macroom, which really does require most serious aid. The school has very small earnings, and probably if we were able to employ a more accomplished teacher the number of our pupils would very largely increase.

635. Dr. Traill.—Is your school at Macroom under the National Board?—No.

636. Would your numbers enable you to get the National Board capitation grant for it?—No; we get assistance from the Erasmus Smith Board.

637. Lord Justice Fitzgerald.—At Portarlington we got evidence which showed how a school developed when placed under the National Board, which might be instructive to the Macroom school. The incumbent, who had a population of 750 Protestants, had an endowed school in connection with the Church Education Society until six years ago. He had a male teacher and a female teacher; the male teacher was beyond the age for teaching either under the National Board or any other system; he was paid £55 a year. The female teacher was twenty-one years of age, and was under the Church Education Society. When a new rector came he wished to put his schools in connection with the National Board. He collected money to pay off the old master, and he appointed a National School teacher. In the girls' school he gave the women a year to prepare for the National Board examination, but she declined to present herself, and she was got rid of, and a qualified teacher was appointed in her place. Within one year after the transfer of the schools the attendance tripled; it rose from ten to fifty in the boys' school, and from twenty to sixty in the girls—we saw one hundred children in attendance yesterday. We asked the rector the cause of the increase; he said that so long as the schools were in connection with the Church Education Society a number of Protestant children either went to no school, or to the Covenant and Christian Brothers' Schools, but as soon as the school was placed in connection with the National Board the Protestants all came to it, so that mixed education was put an end to by the removal of the school from the Church Education Society.

Right Rev. Dr. Gregg.—Mr. Garde Browne's objection is exactly the same as ours. He does not object to the use of the buildings for the Roman Catholic children in the neighbourhood of Clonsilla, and asks that the money endowment shall be divided. That £30 a year, one half of it be given in support of the Macroom School, and the rest utilised in the immediate neighbourhood.

Mr. Garde Browne.—That is the feeling of the rectory.

Dr. Traill.—I think that is a very fair moderate proposal.

638. Monsignor Molloy.—If such a division as your lordship proposes were made, would it meet your view to establish a purely denominational Board to manage each part of the endowment?

Right Rev. Dr. Gregg.—Yes; I see no objection to that.

Mr. Garde Browne.—There should be a Protestant Board to manage Protestant affairs connected with the school, and a Catholic Board to manage Catholic School.

639. Lord Justice Fitzgerald.—If we take your view of the matter, and there was money payable for the purposes of the Macroom School, would you want us to create a new Governing Body for such a small endowment, or might it not be paid over to the Diocesan Board?

Right Rev. Dr. Gregg.—There would be no necessity for a new Board.

640. Lord Justice Fitzgerald.—Such a small

fund would be better administered by being paid to the Diocesan Board for the manager of the school.

Rev. M. ALLEN, P.P., Clondrohid.—I think the proposition made by the Bishop is not an equitable one, because the intention of the donor was to leave an endowment for the education of the poor children of the neighbourhood. There being no Protestant poor children in the neighbourhood, it is manifestly unfair to take it away from the neighbourhood, and give it to a school, many of the children attending which are very well able to pay for their education. There are no Protestant children in the neighbourhood of the estate it was left to who could be described as "poor children."

641. Lord Justice FITZGERALD.—That turns on the meaning of the word "neighbourhood." Do you know these children that they speak of?—I know the H.E. children. I know no other children on the way to Macroom, except the children of two farmers, a Mr. Pearson, and a Mr. Bradfield.

642. Monsignor MOLLON.—Would they be nearer to Clondrohid than to Macroom?—Mr. Pearson's children would be.

643. Mr. POWELL, A.L.—Mr. Pearson is a well-to-do gentleman?—Yes.

644. And Mr. Bradfield?—He is a farmer. His children would hardly come under the description "poor children." When that lady made her will those two parishes of Macroom and Clondrohid were quite distinct, and the probability is that she had not Macroom in her mind at all. It was not at all connected with Clondrohid at the time.

Mr. POWELL (handing in maps).—By far the greater portion of the Crofton estate is to the north, away from Macroom altogether.

645. Mr. JUSTICE O'BRIEN.—The words of the testatrix seem to be forgotten:—

"I give and devise two acres of land on my said fee-simple estate in the County of Cork, rent free, for ever, for a schoolhouse on said estate, for the education of the poor children of that neighbourhood. I also give and bequeath the sum of £50 to be paid out annually for the support and the maintenance of said school."

There is a misapprehension about this, because the clause is not to give £50 for the education of poor children in the neighbourhood, at all.

"I give and devise two acres of land on my said fee-simple estate for a schoolhouse on said estate for the education of poor children."

And then again:—

"I give and bequeath a sum of £50 for the maintenance of said school."

Dr. TRAILL.—"The maintenance of said school" would have no meaning except touching children in it.

Mr. JUSTICE O'BRIEN.—Now, Dr. Traill, by no argument can you reason words out of the board?—A school on said estate."

646. Lord Justice FITZGERALD.—There is also the provision in the settlement by the Court of Chancery—

"That the school to the extent of its capacity shall be open to all poor children between the ages of five and thirteen years residing upon, or in the neighbourhood of, the said county of Cork estate of the said Martin Anastasia Crofton, deceased, of all religious persuasions without distinction, who are of good character and are not afflicted with any infectious distemper or disease; and in case of any substantial doubt arising as to whether any particular child attending, or seeking to attend, the said school, does or does not come within the said description, the said question shall be decided by the manager of the said school for the time being."

There are also provisions about the daily instruction, which I have already read. These rules are substantially the same as the rules of the National Board relating to vested schools which we intended to apply to the Gurrane schools.

Mr. POWELL, A.L. (for Rev. Father ALLEN).—I think it is quite plain from the wording of the will that the £50 was to be for the maintenance of the school on the estate and not for the maintenance of children who may migrate.

647. Dr. TRAILL.—But it is for the benefit of the children the school was erected.

Mr. POWELL.—Yes; and the school is there for the children to attend it. But the fund is not to follow the migrating children. The reason given by Mr. Gardie Browne for claiming the endowment is that there are seven or eight children of Mr. H.E.'s family attending—

648. Mr. JUSTICE O'BRIEN.—And they have migrated.

Mr. POWELL.—But I say that they have been getting this money long enough. Their father has been getting a house and this fund for teaching them, and they ought to rest satisfied.

649. Monsignor MOLLON.—What is your claim?

Mr. POWELL.—That the whole amount should be spent on the school at Clondrohid, and that was the intention of the testatrix. That was the purpose for which this annuity was given—the maintenance of a school on the Crofton estate.

650. Professor DOUGHERTY.—Are you willing to accept the conditions attached to the endowment?

Mr. POWELL.—We have some objections, but we substantially agree with the scheme. We have an objection to the constitution of the governing body and the appointment of a Protestant clergyman as trustee—an objection which seems very reasonable.

651. Lord Justice FITZGERALD.—Under the draft scheme there are, I think, to be three Catholic Governors.

Rev. M. ALLEN, P.P.—There are to be five Protestant governors, and possibly no Protestant child attending the school. I think two of those governors would do to look after the interests of any Protestants that may come there. With regard to the appointment of a Protestant assistant-teacher when there are ten Protestant children attending, I would make it a condition that they should be bona fide Protestants in regular attendance at the school.

652. Lord Justice FITZGERALD.—I think the formation of this governing body for the Crofton schoolhouse, with an endowment of £40 a year, is constructing a steam-hammer to crack a nut. It would be very much better to let the endowment be dealt with by some existing body; and I am not at all confident of the advantage for either party of imposing an assistant of one religious denomination on a manager and teacher of another. It is very likely to result in difficulties being raised in regard to the ten children attending the school so as to prevent the appointment of a Protestant assistant. I would rather make provision for any Protestant children coming within this endowment by letting them have their education in a school of their own. The point between you is more one of fact than of law. The case put by the Bishop appears to rest on his contention that as a matter of fact there are Protestant children of this neighbourhood to whom this money might be given and who would get their education at Macroom.

Mr. POWELL.—There are the children of Mr. Pearson, a very well-to-do man, who are not "poor children." There is also Mr. Bradfield, an extensive farmer, and his children could not be so described. There are no Protestant children within the area that could be called "poor children."

653. Mr. WILLIAM FERLING GRAY.—But does Mr. Powell contend that there are to be no Protestant children coming after?—I am speaking of the argument used by Mr. Powell, that because there are no Protestant children there now, there is to be no provision made for those who may come after.

Mr. POWELL.—There is nothing in the will about the possibility of children coming there from other places.

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Mr. Gregg.—As to the argument put forward by the Rev. Mr. Ahern as to its being inequitable, I say if the Catholics get the school altogether to themselves, it would be only equitable that portion of the endowment should be applied as the intention was originally. It is quite evident from the will being made by a Protestant, and from this direction to have a Bible given to each of the scholars, that it was never intended that they were to be Catholics, or that Roman Catholics should have the Protestant Bible forced on them. I think this clearly shows that it was the intention of the testatrix that it should be a Protestant School, and it is only equitable that portion of that bounty should be now given to the school at Macroom, if it cannot be applied to Protestant children in that immediate neighbourhood. I think it would be only right and proper that the school at Macroom now wanting help should get a moiety at all events of the endowment.

654. MESSRS. MULLOV.—It must be remembered that if there is a possibility that at some time there may be Protestant children in the neighbourhood of Clondrohid, they would have a claim on the endowment, and therefore we must provide for such a contingency. We provide for it in this Draft Scheme by giving a mixed board of management, and by certain restrictions, such as the appointment of a Protestant assistant when the number of Protestant pupils reaches ten. Now, a proposition comes from the other side which might form the basis of a compromise, and which might work in a more convenient way. And I submit to you, Mr. Powell, for your opinion, whether it might not be to your advantage to be relieved from the restrictions and provisions to which I have referred, on the condition that portion of the endowment should be transferred to Macroom, the opposite side accepting this as a sufficient provision for such a Protestant population as may possibly arise in the future.

Mr. GORDON BROWN.—Which at present exists there.

Mr. POWELL.—I think that the gift should be carried out as nearly as possible in accordance with the intentions of the testatrix, that the provisions should be adhered to, and the endowment paid as it ought to be, and not left in the hands of the agent of the estate.

655. LORD JUSTICE FITZGIBBON.—That has been done. The whole rentcharge is attached to this Crofton School on the Clondrohid Estate at present, and the result is, that the conditions repel Roman Catholic children from attending. They have been enabled to withdraw by the fact, that since the will of Mrs. Crofton was made, no public provision had been made for public education which did not exist at the time of her will. I just point out that the very conditions you seek are what prevent your people from taking advantage of the school.

Mr. POWELL.—The conditions of the scheme are such as to occasion considerable objections on the part of the Catholic people there.

656. But those considerations objections are not confined to one side; and we cannot allow the pendulum to be swung altogether over to the other side. These conditions will be either imperative, or whenever the time comes to put them to work they will be found a mischief. If there were an assistant Protestant teacher appointed by the parish priest, to replace an assistant Catholic teacher, I would like to know how long he and the master would get on comfortably together. There is also a question about the number of Protestant children. The Commissioners of National Education have had difficulties over the attendance in Catholic schools of "boycooted" children, and there are cases in which the attendance of some few children has broken up the entire school. How could ten Protestant children ever succeed in forcing their attendance on a National School like this, so as to create the necessity for appointing an assistant Protestant teacher?

Mr. POWELL.—It is impossible, or else a very remote

possibility, that ten Protestant children should ever attend there.

LORD JUSTICE FITZGIBBON.—It does not lie in the power of any one criticising the scheme, to say that the contingency will not ever arise. If the children ever came, they would be entitled to the benefit of the endowment.

657. MESSRS. MULLOV.—Are there any Protestant policemen stationed near Clondrohid?

Mr. POWELL.—There is no police station there at all, the nearest is Macroom.

Mr. GORDON BROWN.—There are two more young people Protestants on the border of the Crofton Estate, the children of Mr. Brindfield.

658. Mr. JUSTICE O'BRIEN.—Where does he live?

Mr. GORDON BROWN.—The father is nephew of a man named Good living in the neighbourhood.

659. What is the father?—A farmer, helping his uncle. I suppose he will eventually have the farm.

Where does he live?—Clondrohid school is 2½ miles from Macroom, and Brindfield's home is half way between the school and Macroom.

660. Dr. TRAILL.—I would ask Father Ahern whether he would prefer to keep the endowment with those conditions, or prefer to give up portion of the endowment and get rid of those conditions.

Rev. M. Ahern, P.R.—I would rather have a reasonable portion of the endowment without any condition.

661. PROFESSOR DOWDNEY.—What would you consider a reasonable proportion?—With the small number of Protestants in the district, with our population almost entirely Catholic, I should expect two-thirds of the rentcharge along with the lands and the premises.

662. Dr. TRAILL.—You are able to get any amount of State aid now on account of the large number of children attending—such schools cannot get class salaries, so that they require an endowment more than large ones?

Rev. M. Ahern.—But I must take into account the intention of the donor in giving that endowment to the poor children of the estate and its neighbourhood.

663. We are talking now of the premises, because the intention of the founder really cannot be carried out—I would rather have a fair proportion of the endowment than have a mixed Board that would create inconvenience by-and-by in the management. The lady who made this will made a similar provision as to her estate in Wicklow, where she left two and a half acres of land, distinctly stating it was to be for Protestant children.

664. LORD JUSTICE FITZGIBBON.—It is right to say that the provisions were different on this question. Reading the provisions about the Cork school and the Wicklow school side by side, they show that she had quite present to her mind that children of all denominations were to attend the Clondrohid school:—

"I give and devise two acres of land on my said simple estate in the County of Cork, run free, for ever, for a schoolhouse on said estate for the education of the poor children of that neighbourhood. I also give and bequeath the sum of £400 to be laid out annually for the support and maintenance of the said school, furnishing each child who attends with a Bible. I wish £100 of said £400 to be given annually to the old poor people of said neighbourhood."

No one can contend that the blankets and clothing were confined to Protestants, and it is part of the same trust.

But in Wicklow, where there was a very considerable Protestant population, she gives the property to her husband, Rev. H. R. Crofton, his heirs and assigns for ever:—

"They paying annually for ever £50 towards the maintenance and support of a school for the education of the poor children in the Protestant religion; for which purpose I also give and devise two acres of land on said estate, run free for ever, for a schoolhouse, and towards its support. I wish £100 of the aforesaid £50 should be given annually in clothing or blankets to the old, poor people of the neighbourhood."

Owing to fluctuation of population, there ceased to be a Protestant population in the immediate neighbourhood of the schoolhouse at Inchinagga, and the school was removed to Ashford, not far distant, where there was a sufficient attendance of Protestant pupils.

663. What is the number on your rolls at Gurrano at present?—About 300.

666. How many schools have you got?—Two; male and female.

667. What number of teachers in each?—A principal teacher, an assistant, and two monitors in the female school; a principal, an assistant, and a monitor in the male.

668. Dr. TRAILL.—How much by way of salary do you get for those teachers?—My two principal teachers and my two assistants are all first of second.

669. You get about £150 altogether. Would you have any objection to the insertion of this clause—that each child should be provided with a Bible?—Certainly not, if it be a Bible approved by our Church, with notes and comments.

670. Lord Justice FRYGROSON.—We have received, through the Board of National Education, a statement from the Inspector of National Schools of the district with regard to the Gurrano Schools—

"The National schools are carried on in a two-storey building, the girls occupying the upper floor. Each of these rooms is 30 feet by 15 feet, and affords, allowing 8 square feet of floor space per pupil, accommodation for 36 pupils; twice this number are often crowded into the girls' school. In the boys' school, also, the attendance is far in excess of the accommodation. In this room the ceiling is only 8 feet high. There is no playground attached to the National Schools. . . . The Crofton schoolroom is 30 feet by 15 feet, affording accommodation for 36 pupils. The residence attached to the Endowed School is a two-storey building, containing five rooms; two of these are on the ground floor. All the rooms are small. Both school and residence are in pretty good repair. . . . The best means of utilising the lands in the interest of education in the neighbourhood would be to grant a portion as a site for the erection of suitable male and female National schools with the necessary adjoining premises, also a site for a teacher's residence in addition to that already in connection with the Crofton school. The remaining portion might be advantageously used as a school garden in accordance with the regulations of the National Board of Education. Practical instruction in agriculture is badly needed in the locality."

671. Dr. TRAILL.—Would not that be worth to you a great deal more than £40 a year?

Rev. M. AHERN, R.P.—I do not think so.

672. Mr. Justice O'BRIEN.—How long has Mr. HILL, the present schoolmaster, been receiving this endowment?—Six or seven years.

673. Monsignor MOLLOY.—Would there be an advantage in having some agricultural teaching in your school?—Certainly, I purpose utilising one acre of the lands for building a male and a female school and a teacher's residence. The present teacher's residence might be used for the second teacher, and the other acre for the purposes of agricultural education.

674. Mr. Justice O'BRIEN.—Do you say anything about the buildings, Mr. Minahan, or make any suggestion as to the money endowment?

Mr. MINAHAN.—None whatever beyond what Father AHERN says.

675. Mr. Justice O'BRIEN.—How did you come to be appointed trustee?

Mr. MINAHAN.—I got some land in the parish of Cleardrohid, and my people being there before me, I was considered suitable.

676. Lord Justice FRYGROSON.—The Court of Chancery appointed you?—The Vice-Chancellor appointed me.

677. Mr. Justice O'BRIEN.—The position of the matter is this, that the Protestant community, represented by the Bishop, want portion of the money and do not want the houses—they cannot make any use of the house. You want the money and the house, and you do not want the Board as constituted.

Rev. M. AHERN.—I have no objection to the Board as constituted, but it may lead to trouble hereafter, and make the work impracticable.

678. Mr. Justice O'BRIEN.—It may be impossible to reconcile the two matters, and a disagreement may leave this schoolmaster to go away and take the endowment in his pocket.

Mr. POWELL.—Yes, and his children, who constitute the school.

679. Mr. Justice O'BRIEN.—He has a right to take away his children.

Mr. POWELL.—But he is taking away the foundation from the demand of the Bishop when he takes away the children.

680. Dr. TRAILL.—It is a fair case for an arrangement which would extend the usefulness of the endowment.

681. Monsignor MOLLOY.—It might be better for you, Father AHERN, to take a portion of the endowment, and be relieved from the control of a mixed governing body.

Rev. M. AHERN.—Yes, that would be my idea. I would rather have sole control myself, and a fair share of the money.

682. Monsignor MOLLOY.—You would think it desirable to sacrifice a portion of the money endowment to secure that position?

Rev. M. AHERN.—Certainly, I have no objection.

Mr. POWELL.—With reference to the amount you would be inclined to give to the support of the Macroom Protestant School, I think it would be important to know the character of the district, and how it lies with regard to this school. Portion of this estate is seven miles away, and it would be impossible for Protestant children to go that distance to the school at Macroom.

683. Professor DOUGHERTY.—Is there any Protestant school nearer than Macroom?

Mr. POWELL.—There is not.

684. Monsignor MOLLOY.—We consider that in giving this endowment to the school at Cleardrohid, we are providing for any Protestant children who may be near enough to go there, and their religious convictions will be sufficiently protected; but the proposal that comes from Macroom is that some children on the estate are living so near to Macroom that they can go to school there, and get the benefit of that portion of the endowment which may be given to Macroom.

Mr. POWELL.—Those children might come in, but they are not "poor children."

Mr. Justice O'BRIEN.—The Commission possesses no power to extinguish this school in reference to a future Protestant population, and the accession of a force of policemen to the place might have certain results.

685. Lord Justice FRYGROSON (examining resp.).—The Crofton estate is in two divisions; one division lies to the north of the existing schoolhouse, and the other west of it. The road that leads from the schoolhouse westwardly is marked "The Killarney-road," and there is no town in that direction. On the northern road that skirts the estate, Millstreet is the nearest town, and that is twelve miles away. So that there can be no doubt, if there are any Protestants who can take advantage of the endowment, Macroom is the only place to which they could go.

Mr. POWELL.—Yes, but it is unlikely that any number of Protestant children can come to the school at Macroom. They are not on the estate.

686. The will does not confine the benefits of this school to children on the estate. If the school is to be on the estate it must be substantially a Roman Catholic school, and it just comes to this, that whatever the present rights may be as represented by the children mentioned, or whatever contingent right exists as regards the possibility of a future Protestant population, sensible people should see whether they could not satisfy those rights by

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giving up a little money. Judge O'Brien and I will see what we can do about it. I think we have satisfied those who have been putting forward denominational claims that they are not warranted by the law nor by what has been done by the Court of Chancery; and the school at present is worse than useless, because a case of this kind does mischief in every way.

Mr. Powell.—Would you allow me to call your attention to the constitution of the Governing Body.

687. Lord Justice Fitzgerald.—If we move at all, the first thing will be to get rid of any mixed Governing Body. The property can be perfectly administered without it. The schoolhouse and land may be vested in the Commissioners of National Education, or in trustees.

Rev. M. Ahern.—I would have no objection to trustees, I would name myself.

688. I dare say not.

But we cannot ignore either the present small claim or the contingent future claim of the Protestants, and on the other hand, we cannot ignore the words of the Act of Parliament. It would be well if both sides were to arrange it on the basis suggested. It is suggested by Father Ahern that two-thirds of the endowment would satisfy him; one-half is named in the scheme; the whole amount is £40 a year, and the difference between you is 28 13s. 4d. per annum, where neither of you gets anything now.

Rev. M. Ahern.—But you must take into account the relative numbers of Protestants and Catholics in the district.

689. Yes, but under the existing system there is ample public provision for large schools, and none whatever for very small schools, and that has a very serious bearing on the question.

SCHEME No. 66.—THE PAROCHIAL SCHOOLS OF THE DIOCESES OF CORK, CLOYNE, AND ROSS.

(OBJECTIONS AND AMENDMENTS).

690. Lord Justice Fitzgerald.—Some endowments have been brought before us, as to which a supplementary scheme is sought for the purposes of correcting errors or omissions in the Diocesan Scheme. The first is a money endowment in the parish of Abbeystreery, in the diocese of Ross. Perhaps the Lord Bishop would explain how it stands.

691. Right Rev. Dr. Gregg.—I do not think that a supplemental scheme is necessary in these cases, but merely a verbal alteration. You have a letter from Mr. Mannell, which deals with three cases. The first in order is Tullagh. The endowment is £252 5s. 3d., which was invested in the names of the Bishop of Cork and the Archbishop of Ross. In the schedule to the scheme it is stated to be vested in the Representative Church Body. The Bank of Ireland has transferred it, on the application of myself and the Archbishop of Ross, to the Diocesan Board of Education.

692. A curious point of law has arisen about such matters as this, and it interests all members of the late Established Church in reference to endowments. The provision of the Irish Church Act is that all ecclesiastical corporations, rectors, bishops, &c., are dissolved, and that any property vested in such corporations is transferred to the Representative Church Body, on being constituted; but a subsequent section enacts that where any persons, by virtue of their office, are trustees, they and their successors are to be trustees in future. It certainly occurred to me that in such cases, though the land or money would go to the Representative Church Body, the administration would be in the hands of those holding or succeeding to the office. When the attention of the Bank of Ireland was called to the matter some years ago, they stopped payments for some time, and took counsel's opinion. In the case of ministers and churchwardens acting as trustees there is a very serious question whether the Church Act applies at all, or whether the present churchwardens hold the ancient office.

Right Rev. Dr. Gregg.—The Legal Committee of the Representative Body decided that this particular endowment did not come to them. And the Bank when I applied to them at once recognised the Archbishop of Ross and myself as trustees.

693. Then all you want at present is a correction of a misdescription which could do no harm?

Right Rev. Dr. Gregg.—Just so. The same applies in the case of Abbeystreery, as to which Canon Goodman is willing to give evidence.

694. In that case the money is at present vested in Canon Goodman. If he transfers it under the Scheme to the Diocesan Board the difficulty will be at once got over and he will be discharged from any liability.

Rev. Canon Goodman.—The Board of Education has agreed to my application to take a transfer. I am the last surviving trustee.

695. Were you trustee by virtue of your office?—Yes.

696. If you were appointed as an individual then on your death the money would go to your representative, and they could transfer it any time; but if you took it as incumbent of your parish, under the Church Act the trust would go to your successor.

Rev. Canon Goodman.—I was trustee as incumbent before the Church Act came into force. There is an endowment and also a school building, which is the only parochial hall I have. I believe it was intended to put it under the National Board. According to the conditions of the present trust that could not be done, because there is a clause that bound me down, and I could not, acting upon it, put the school under the National Board.

697. One of the objects and greatest advantages to be got from these Diocesan Schemes is that the property may be transferred, preserving to the manager any rights he possessed prior to the scheme.

Rev. Canon Goodman.—I had no hesitation whatever in transferring my trusteeship to the Board of Education, because I merely asked two things which were quite in accordance with the scheme—that the endowment should be applied to the payment of the parish schoolmaster; and that the school premises should be left under my control, to be used as heretofore for parochial purposes.

698. Then this scheme has exactly provided for what you wanted?

Rev. Canon Goodman.—It has.

699. Lord Justice Fitzgerald.—The next case is that of Ardfield. In this case the Bank of Ireland refused to transfer the funds because they were not correctly described.

Right Rev. Dr. Gregg.—This third case is wholly different from the other two. It was only lately I learnt the history of this sum of money. It was a sum of £170. There is a slight mistake in Mr. Mannell's letter. He says it was paid in 1895 to the Rev. James Preke and the Bishop of Cork. I thought there was a mistake. I wrote to Mr. Green and I found that it was paid to the Bishop of Tuam and Mr. Preke. The sum is a balance left from a collection for building a church at Ardfield. The collection was principally made by two ladies, Mrs. Hungerford, of The Island, and Mrs. Hungerford, of Fort Annan. They handed over this balance of £170 to the Rev. James Preke and the late Bishop of Tuam, the Hon. Charles Bernard, and they gave them a description of the objects to which they in-

ended the fund to be devoted. The first object was to be the building of a schoolhouse. If that was not found to be necessary it was to be applied for building a rectory or to the church in some form or other. The interest was used at one time for the school, but the number of children varied very much, because they were principally the children of constables in the neighbourhood. Then Mr. Freke, who had been rector of the parish, and the Bishop of Tuam vested it in the Representative Body, but in 1853 it was paid back by the Representative Body to Mr. Freke and the Bishop of Tuam. They appear then to have reconstituted it with the Representative Body with the accumulated interest, which amounted to £188 10s. 7d., on the trust that the income was to be in aid of the Satisfaction Fund of the Parish. I am told by the representatives of the ladies who collected the money that they had ample discretion as to its purpose, and that they would altogether object to its being applied to any other purpose. The difficulty is that it is described in the Scheme as held for the purposes of a school, but the Representative Body now hold it in trust for the Satisfaction Fund of the Parish, and I do not see how they can give it up or apply it for any other purpose, for it has been placed in their hands under a deed.

703. Dr. TRAILL.—But have we no terms of the trust under the deed?

Lord Justice FRINGHAM.—The trust for educational purposes was put on end to by those who had charge of the money. They drew the money out from the Church Body, got it back under their own control, and then redeposited it with the Church Body as a purely Church trust. So that it is altogether outside the scope of this Commission.

Right Rev. Dr. GREGG.—It was only yesterday that I was able to get the full history of this money.

704. Dr. TRAILL.—Then it goes out of the Schedule altogether?

702. Mr. Justice O'BRIEN.—Does it appear in any way, that at the time they lodged the money they knew the conditions that attached to it?

Right Rev. Dr. GREGG.—Yes, but the ladies who collected the funds considered that the Trustees had power to vary the application of it. The representatives of those ladies would object to its being varied in any way now.

703. Lord Justice FRINGHAM.—The money has never been applied, since this transaction, except to Church Satisfaction. Have the Church Body been dealing with the interest of this fund as before, since the passing of this scheme?—Yes, they have.

704. The return which we got with regard to this money is signed by yourselves. "Artfield, £170, to be applied to the building or maintenance of a school?"—That was our opinion at the time, but it was only recently I learnt the history of the money.

705. We shall take a note then that whenever there is a Supplemental Scheme we are to strike this out. You will understand that in all such cases we intimated from the beginning that there would be Supplemental Schemes. We wanted to get the Diocesan Schemes started and working, and any suggestions as to amending them can afterwards be considered. But they should be forwarded to us as early as possible. We must think of winding ourselves up. The only thing we are likely to ask for is a change of description, as we find it difficult to get correct descriptions of the buildings and lands, but we do not apply for any other alteration of the schemes. In your Diocesan offices you should keep a copy of the scheme before you, and note any corrections from time to time; we could then substitute a corrected Schedule for the original one, after you have had the advantage of looking through all the documents, seeing what your rights are, and showing how the Scheme works.

SCHEME No. 47.—THE PAROCHIAL SCHOOLS OF THE CITY OF CORK.

(OBJECTIONS AND AMENDMENTS.)

704. Rev. Mr. Thorpe, Secretary to the Diocesan Board.—With regard to the city, the scheme provides for two classes of endowments—educational and non-educational. The educational endowments are, generally speaking, very correct; but in the administration of the non-educational portion a practical difficulty arises, because the schedules do not recite those portions of the endowment which are non-educational fully or accurately. The first case is that of the endowment left by Mrs. Mary Shearman, who left a large portion of her property for educational and non-educational purposes in the city of Cork. The educational endowment is restricted to certain parishes specified, but the non-educational belongs to Holy Trinity or Christ Church only. We have no objection to make to the scheme, but it is desirable to make certain that the non-educational portion of that trust is absolutely restricted to the parish of Holy Trinity, and the Board have instructed me to ask if it is so. The educational portion of the endowment is correctly stated in the scheme, but the money is collected by the Incumbent of Holy Trinity, who has always collected it, and he hands over to my Board that portion which is educational. That is an unsatisfactory way of dealing with the money, and my Board feel that the whole property should be correctly described in the schedule; and that instead of Canon Harley collecting the money and handing the educational portion to the Board, we should collect the revenue and hand him the non-educational portion. The following are the amounts left by Mrs. Mary Shearman, charged as head rents on the lands of Ballynabury:—Representatives of Townsend Beck, £10 16s. 11d.; representative Richard Martin, 29 17s. 9d.; J. Harrison, £15 13s.; representative of J. Harris (paid by E. MacNamee,

Esq., agent of the Master and Lecturer Bank), £11 15s. 4d. Total revenue from the Shearman property, £35 3s.

707. Lord Justice FRINGHAM.—We have no jurisdiction over non-educational Endowments except where there is a consent, and it is even a question whether, with consent, we have any powers except where there is an educational element in the Endowment. We found these Cork Endowments in a terrible state of confusion, not through mismanagement, but through length of time and changes that had occurred. We went through the educational parts of them with great care, and I am glad to hear that they are correctly stated; but in the case of Mary Shearman's Endowment there is no reference whatever in the Scheme to the non-educational part of the Endowment. We had quite enough to do to get consents for the educational portion without looking after the non-educational. It was none of our business to do it. If you want to have the management of the non-educational part of the Endowment regulated by this Scheme, make out a statement telling us who are now administering those funds, and let them consent in writing that they shall be dealt with. Your Board very naturally thinks that there should be but one management of the whole fund, that you should get in the money, expend the educational portion, and hand over the non-educational to Canon Harley.

Rev. Canon HARLEY.—I have collected the rents from the different tenants on this estate for years and my plan was to lay out the non-educational part according to the will, and hand over the remainder of the Diocesan Board.

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706. Lord Justice FRYGEMAN.—Do you know by what right you collect it?—The right was an extract from the will, which I found in the parish safe when I took possession, and which I gave to you when I was formerly examined. I merely followed the instructions of the will in the same manner as my predecessor.

709. Dr. TRAILL.—Are these all town tenants?—No; some in the country.

710. Lord Justice FRYGEMAN.—Have you got the will?—No, I have not.

711. Is it your desire that all should be vested in one incorporated body, and that when they have collected the money they should be bound to pay the respective amounts to educational and non-educational purposes?—Yes.

712. Rev. Mr. Thorpe.—The next case is that of the Deane Endowment, described as a rentcharge devised by Thomas Deane. I think it was intended to describe the whole property from the note at the end of the Scheme, but you have legislated for the non-educational portion and have not rectified the whole of the property or of the revenue. The rentcharge consists of £100 a year, and, in addition, the Commissioners of Charitable Donations have a sum of £1,116 8s. 4d. invested, the interest of which they remit to me as Secretary of the Church School. We want you to rectify the total rentcharge and not that portion which is applicable to education only, which is £64 1s., and also the Government stock. In the original will there is a statement by Thomas Deane that £42 per annum shall be expended in clothing poor children, and I, as rector of St. Peter's parish, am desirous that it should be explicitly declared that if in any one year, in the opinion of the rector, there shall not be sufficient children in the parish who need clothing, he may be empowered to employ the residue for education. The will provides that the sum of £1 should be paid to the incumbent of St. Peter's parish. I don't know that that £1 should now be paid. The matters I have to lay before you are first—this insufficient rental of the revenue; secondly, the power of dealing with the clothes; and thirdly, this matter of £1 for the rector which is not worth mentioning.

713. Lord Justice FRYGEMAN.—But the "matter not worth mentioning" is portion of the trust. We have not diverted any money by the Scheme from the purpose to which it ought to go. You receive this £1 a year?—I do not.

714. What becomes of it?—I do not know. I suppose it is absorbed in the other parts of the charity.

715. But it will not do for us to say it is absorbed in the other parts of the charity. We must account for it?—I am willing that it should be diverted from the Rector of St. Peter's to the general charity.

716. But we have not arbitrary power to turn away money from the rector to the schools, nor from the schools to the rector?—I merely want to take care that difficulty shall not arise hereafter from an insufficient rental of the revenue.

717. We had a letter dated July 11, 1891, from the Commissioners of Charitable Donations and Bequests, calling attention to the fact that they had a sum of money belonging to Thomas Deane in hands not included in the Scheme. The letter continues:—

"Under these circumstances my Commissioners would be glad of an expression of the views of your Commissioners as to the manner in which these dividends should be apportioned between the educational and non-educational branches of the charity."

We answer that they appeared to be non-educational endowments not within the Scheme, and that they should apply the money as if the Scheme had no existence.

718. Rev. Mr. Thorpe.—I do not know whether it would be wise, or within the power of your Commission, to provide that if in the future at any time

the purposes of the almshouse could not be carried out, in the opinion of the School Board, and the rector of St. Peter's, the balance remaining in any year might be applied to educational purposes.

Lord Justice FRYGEMAN.—It is within our power, and we have done it in many cases, but only by consent.

719. Monsieur MOLLAY.—Do you contemplate the case in which you would not have consents for the almshouse?—From the parochial records I have found that a sum of money accumulated for an almshouse—it spread out over a number of years, and arose from a variety of sources. If in the future, through some unforeseen circumstances, a balance should accumulate—supposing—that is not very probable—that the parish of St. Peter's did not provide eight suitable objects of the charity, would it be possible, as the Scheme stands, to use the money for the purposes of education in accordance with the intention of the founder, that if there was a surplus, it might be so applied?

Mr. Justice O'BRIEN.—A question of that kind has arisen before the Board of Charitable Donations and Bequests, and they have been of opinion that, except where specified annual payments take place, any surplus should be divided among the persons succeeding to the character.

720. Rev. Mr. Thorpe.—Did they say how it was to be divided among them?—Per capita, according to the amount.

721. Lord Justice FRYGEMAN.—The power that we possess is stated in the last paragraph of the 8th section of our Act, subject to restrictions, all of which may be modified by consent. We may deal with the whole endowment as if it were educational. But you should first provide for your eight widows, when you have them, and then, if there is any money left at the end of the year, it may be applied to educational purposes, with the consent of the incumbent. This almshouse fund is mentioned in the Scheme.

Rev. Mr. Thorpe.—But the Scheme does not rectify the revenue.

722. We had no power to deal with it. The property was brought in to be vested in the Board for security, but there was no consent to modify the trust. Although the property is vested in the new Board, it is to be applied as before.

Rev. Mr. Thorpe.—The application I make as rector of the parish is—that if in any year there should be a surplus, power should be given to the city School Board to apply it for education.

723. That is a definite proposition. We will take it down and see how far we can carry it out.

Rev. Mr. Thorpe.—My other application is with reference to the provision in the will giving clothes to the poor children of the parish. Practically there is little good done by that, and the clothes often find their way to the pawn shop. I say that I should not be compelled to spend the money in that way.

724. Under the 10th section, endowments for the clothing of young persons may be dealt with as educational endowments. Your proposal is, that the objects of this clothing charity should be selected by the incumbent, and that, if in any year there are not a sufficient number of suitable objects to exhaust the fund, the balance shall be made available for educational purposes.

Rev. Mr. Thorpe.—Quite so. The next case is that of Mrs. Elizabeth Smith's charity. She left a number of bequests to St. Peter's parish and St. Nicholas parish; and in that portion of it which relates to St. Peter's parish, there is a provision that £8 shall be applied each year to the clothing of poor children. I have not hitherto applied this sum, and I make a similar application with regard to this provision in Mrs. Smith's will.

725. Lord Justice FRYGEMAN.—Is that £8 portion of Mrs. Smith's money, held by the Commissioners of Charitable Donations and Bequests?

Rev. Mr. *Thorp*.—Yes, you have correctly described that.

726. Rev. Canon *Nicholson*.—I have an application of a similar character to make regarding the bequest of £160 16s., by Moses Deane, for schooling twenty boys and twenty girls born in the city of Cork. My predecessor thought it advisable to give it for school scholarships, and I have been authorized by the Board to go on doing the same, but there is a question as to whether we have the power, and I would like to have the ruling of your lordships in the matter.

Lord Justice *FitzGibbon*.—That is asking us to interpret our own scheme, and the worst person in the world to interpret an Act of Parliament is the man who wrote it. But there can be no doubt, I think, that a trust for schooling and clothing does not oblige you to spend the money in clothing.

727. Rev. Canon *Nicholson*.—You think then this is a perfectly legitimate application of the money?

Lord Justice *FitzGibbon*.—I think so. But that is only a "Capel-street opinion."

SCHEME No. 37.—THE HIGH SCHOOL FOR GIRLS, CORK; SCHEME No. 53.—THE ROCHELLE SEMINARY, CORK.

(APPLICATION FROM THE GOVERNING BODIES FOR AMALGAMATION).

728. Lord Justice *FitzGibbon*.—The next case is one of great importance to two institutions. The first is the Rochelle Seminary, constituted under Scheme No. 53. The Governing Body consists of two representatives of the Diocesan Council, four representatives of the Founders, and the Bishop *ex-officio*—a body of seven. Their duty is to maintain in the city or county of Cork a seminary or school for the higher education of girls and young women, and to provide maintenance and education, or education only therein, free of charge or at reduced fees, for daughters of clergymen and other respectable gentlemen of limited circumstances; and to provide education for paying pupils on such terms as the Governors may think expedient, such education to be in conformity with the principles of the Church of Ireland. This scheme was framed on the application of the Governors. The late Mr. James Lane was their solicitor, and they had taken proceedings to apply to Chancery for a scheme when an Act came into force, and they got this scheme in substitution for it. The other body, the High School for girls, is under Scheme No. 37. It was an institution that had its origin in the desire of several gentlemen at the north side of the city to have a High School for girls, and the Board consisted, subject to certain rights of proprietors, of the Ven. *Merry Archedall*, *Archdeacon of Cork*, and Canon *Harley*, of ex-cathedra Governors of experience in education, and of provisional Governors who might be elected by the subscribers. The position of the subscribers is of importance. A sum of money was advanced in the beginning by the late Mr. William O'Connell and others. They desired not to impose any charge on the institution while it was carried on, but in case it failed the parties who had given their money were to be at liberty to get it back, and this claim of the proprietors was to be the first charge on the school property, if the school ceased. In general the objects of the two institutions were not identical; the High School did not aim at the same objects as Rochelle, nor did it do the work Rochelle was intended to do, which was to provide a high class education for girls of limited means to enable them to make their way in the world afterwards. The other place was intended for pupils able to pay for a superior education. Now, there is an application from the Governing Bodies of those two schools that they should be amalgamated, and they desire to apply the funds of one to the purposes of the other. Substantially, the existing endowments belong to Rochelle. The other place has its premises and fees from scholars, but it has not any existing money endowment so far as I know. We now ask whoever represents the Governing Bodies to state the grounds of their application.

729. Mr. *H. E. Julian*, solicitor.—I represent the Select Vestry of the Episcopal Free Church. The young ladies of Rochelle since its foundation formed part of the congregation of this church. I also stand on the part of certain parents of children being

educated at Rochelle.—Mr. Gordon, Mr. Moylan, and Mr. Macgrath. There is another party to this case who represents himself, Mr. Potter, who is parent of some of the pupils, and he must, of necessity, leave, as he lives at Skibbereen. If you first heard him and Mr. Moylan, who has to leave also, there would perhaps be very little left for me to say.

Lord Justice *FitzGibbon*.—We will accommodate those gentlemen as far as we can.

730. Ven. *Archdeacon Archedall*.—There are certain powers in the Governing Bodies which enable them to do what they seek without any Scheme, and, as far as I can judge, the gentlemen who are objecting to the application of the Governors are objecting to what it is already in the power of the Governors of those two schools to do. It might shorten the inquiry if I call your attention to that. As regards the wisdom of the union of those two schools the Governors are at one. It is a question for the Commissioners to decide, but I think it would be well at the outset to determine what is the question before the Commissioners.

Lord Justice *FitzGibbon*.—I am afraid we would not be able to let those two gentlemen away unless we hear them first.

731. Mr. *P. P. E. Potter*.—Being interested as a parent in the success of Rochelle seminary, I have taken the liberty to come here and enter my protest against the change proposed. The first intimation I received that Rochelle was to be removed was in December, and I felt it rather hard that I, who had my children there for several years, three of them for seven years, should not have had this intention made known to me. I am anxious to retain Rochelle, for it is worthy, from my experience, of its high character as an educational institution. I appealed through a memorial forwarded to the parents and guardians of children in the school to ascertain their views, and I have to bring before the Commission this memorial, signed by thirty-nine parents and guardians who have children there. They are practically unanimous. I hand in the letters I have received, each attached to a copy of the memorial. I will read one or two as types of the whole. This is from Mrs. *Somerville*, a lady well known in this county:—

"Park Cottage, Union Hall,
"October 10th.

"DEAR MR. POTTER,—I have with much pleasure signed the memorial to the Governors of Rochelle, and trust your efforts may be crowned with success. It is a most cruel act on the part of the Governors to try and do away with this school, the only one in the county where struggling people can afford to send their daughters, and I must say very inconsistent on the part of those professors of religion, who are well aware that the Scriptural education now taught at Rochelle cannot be continued if the proposed change takes place. Though not personally acquainted with Miss King, still, from all I have heard, I do not think the Seminary could be in other hands, and why not give her a fair trial. The facts stated in the memorial are incontrovertible and need no comment."

Oct. 14, 1881.

The memorial addressed to the Governors of Rochelle is as follows:—

"We, the parents and guardians of girls now pupils at Rochelle, do request the Governors to allow the school to be carried on in its present situation for the following reasons:—

"(1.) We have entire confidence in Miss King and her staff, and believe that under her care and management the school would prove a financial success. (2.) We consider the large and airy house together with its beautiful gardens and its spacious play and tennis grounds, affording perfect freedom coupled with the strictest privacy, much more likely to protect the health of the girls, than a confined boarding house, attended with all the inconveniences and danger to health, that is continued going to and fro, frequently in inclement weather, would involve. (3.) We are not sure that it would be possible to have the same surveillance on the girls if the school were removed into the city, necessitating as it would constant going in and out to attend on their work."

732. Lord Justice FRYGEMAN.—I suppose the letters are all substantially the same, in support of the Seminary?—There are thirty-nine memorials signed, and twenty letters which I handed in. The envelope of the letter is pinned to each copy of the memorial.

The following were the signatures to the memorials handed in by Mr. Potter.—James Hamilton, 13, Brookhill-avenue, Antrim road, Belfast; John McKiernan, Leslie-place, Tarbert, county Kerry; Mrs. Amy Purcell, Glendbrook, Passage West; James E. Robinson, 3, Beaumont-place, Ballintemple; Mary Slader, 42, Duke-street, Chelmsford, England; Kate Staunton, Spiddal, county Galway; Olivia Creel, Clonay House, Clonay, county Cork; S. J. Macgrath, Bessell Bradley, clerk, and Ellen Bradley, Atlantic Rectory, Galilee, county Tipperary; Lydia Shaw, Beestown, Thurles; Bartholomew O'Connor and Beldina O'Connor, Fule House, Abbeyfeale, county Limerick; Henry J. Moore, New-street, Longford; Thomas Barnes, Rector of Bay-next-Ayleston, Norfolk; Jane Sullivan, Carracough, Tipperary; John Owsley Moyran, M.A., B.A., D.C., county Surrey; Nenagh; Hannah D. Connelley, 4, Ann-street, Clonsilla; E. Wilson, Kilconner House, Castletown-roche; William Reynolds, Greenacorn, Passage West; George Poole, Annie Poole, M. Fitzgerald, C. C. Fitzgerald, Achill Rectory; Alice Maria Wilson, C. Monck Wilson, H. Lovell, 1, Kingsquare, Queenstown; Charles Harrison, L.R.C.P., Ed. ex., Castletown, Berhaven; Wm. D. Lewis, M.V.C., Queenstown; Sarah D. Haynes, E. Hewston, Fiddown, Pitons; Thomas Pettigrew and Elizabeth Pettigrew, Ardaraun, Navan; Caroline Jackson, Annfield House, Athy; Anna Thorne, Annie Paulin, Cross-colours, Blessington, county Wicklow; Samuel E. Williams, Main-street, Marazion; Mr. J. Beattie, Jane Taitlen, Charleville-square, Tullamore; Fred Hall, Le-Cul, Elmville, Queenstown; Mr. S. Fisher, Charlotte Fisher, M. Max, Richard J. Harrison, Rathkoola.

Mr. Potter.—I know the school over seven years, and during that time I have had no fault to find with the teaching. On the contrary, I can speak highly of it. My eldest daughter was educated at Rochelle, and has been most successful as a governess through its instrumentality. My two younger girls are there now, and they were successful in obtaining the Royal University prizes this week at matriculation. As an educational institution, I am inclined to aid it by every means in my power. I believe that the school will be well supported; in fact the parents who have written say that they have other children to send. We have had occasion to find fault with the management of the school previously. The lady then in charge of it has passed away and, therefore, I should feel it rather painful to have to refer to this.

733. Lord Justice FRYGEMAN.—But is it not a question of ways and means?—The premises at Rochelle are valued at a rent of £80 a year. What is the stipend for the pupils?

Mr. Potter.—£25 a year.

734. For both board and teaching?—Yes, and for extras; it is £27 a year without extras.

735. When you speak of supporting the school and retaining its advantages, we must see how it has been supported. £27 a year will scarcely pay for boarding and teaching pupils without some help, where there is £80 a year to be paid in rent?—There has been no complaint.

736. Professor DOUGHERTY.—Do you know whether the institution is actually in debt at the present moment?—I have heard it stated that it is.

Right Rev. Dr. Gregg.—I am quite ready to state all the facts as soon as you please.

Mr. Potter.—I speak as a man having children in that Seminary, and with a desire to prevent its removal. There is a great advantage in having the place so nicely enclosed and having ample grounds within its own walls. It is to retain those advantages that I appear here with these other gentlemen who have come to help it; it is to try and impress on you the desirability of giving it a fair trial, which I conceive it has not had, for under the new management, I have no hesitation in saying the pupils will increase to such a number that they will bring up the income so as to clear off the debt.

737. Professor DOUGHERTY.—If it were necessary to supplement the income of the school by subscriptions, do you think it would be possible for the centenary you represent to raise any considerable sum?—I think it would; there has been a guarantee offered already.

738. Lord Justice FRYGEMAN.—We quite understand your position; the thirty-nine parents who have children at Rochelle value its advantages and would like to keep it on. But it seems to be a financial question.

Mr. Potter.—Some parents who have had children educated there, intend to send others. But they say that if the school is changed they will not send their children to it.

739. Mr. JUSTICE O'BRIEN.—Is their objection, not alone because of the insuburbiety of the other place, but because the cost will be increasing?—Yes, the place is not at all suitable for girls as the Rochelle Seminary is.

740. Professor DOUGHERTY.—Is there any difference in the character of the education given in the two institutions?—I have been told that the High School is inferior. The Rochelle Seminary was to be a school for industrious young women who have to make their way in the world by their own industry and education.

741. Has it justified that view?—Decidedly it has.

741A. Lord Justice FRYGEMAN.—Here is the object of the High School, as stated in the trusts of the endowment:—

"To maintain in or near the City of Cork a school for the higher education of girls, with or without a Kindergarten attached, and to provide, in addition to the ordinary course of intermediate and higher education, such technical and industrial education and training for girls or young children as the Governors may, from time to time, consider expedient."

The trusts of the Rochelle Endowment have set forth as being:—

"To maintain, or to aid in maintaining, in the City or County of Cork, a seminary or school for the higher education of girls and young women, and to provide maintenance and education, or education only therein, free of charge, or at reduced fees for daughters of clergymen and professional or other respectable gentlemen, whose limited circumstances preclude them, if living, or have prevented them during their lifetime, if dead, from providing education for their children; and also to provide education therein for paying pupils, upon such terms as the Governors may think expedient. The education given in the said seminary is to be at all times in conformity with the orthodox principles of the said church."

Mr. Potter.—The school bears a decidedly industrial aspect, inasmuch as the training is such, and avowedly such, as to fit young ladies to earn a livelihood as governesses, that in fact is the aim and end of the instruction given in the school, as set forth in its prospectus.

742. *Monsieur Mottet*.—You say that the education given to your daughters is as good as they could get at the other school?—Yes, and there is no necessity for the change proposed.

743. But you do not profess to understand the financial difficulty?—That financial difficulty, I understand, has been met already by a committee who have guaranteed, or are prepared to give a guarantee.

Right Rev. Dr. Gregg.—No.

Mr. Potter.—Well, I state what I have heard and what has been published in the papers. In sending out that memorial I sent copies of all the letters which had appeared in the papers in connection with the subject, so that parents should take a fair view of the matter. I had in a copy of these letters which appeared in the *Constitution*, and which I got printed on my own expense.

744. *Monsieur Mottet*.—You are not in a position to offer any evidence as to the financial position of Rochelle?—I am not.

745. Right Rev. Dr. Gregg.—It is better first to place before you the views of the trustees of Rochelle Seminary. The members of the Board conceive that under the eighteenth clause of our present scheme we have, without appealing to the Commissioners, full power to make and to carry out the change which we thought we were compelled to make. We do not appeal to the Commissioners for power to do that; but I would wish to say that I agree fully with all that has been said as to the work done by Rochelle in the past. I have no wish to depreciate it. I and the other Governors desire to recognise it in the fullest way. The whole question is a question of expense, and we have had to ask ourselves whether it is possible for us to carry on the school. We would be most anxious to carry on the school, if it be possible, and we only came to the resolutions we did come to, because we felt we were obliged to do so. There has been for the last fourteen years a very large decrease in the number of pupils going to Rochelle. In 1883 there were 60 boarders; the attendance fell in 1885 to 50, the first year, in which to supplement the numbers, we allowed day pupils to enter the school. The largest number of day pupils that ever attended has been 10, and now there are only 31 paying boarding pupils in the school. In the beginning of 1889, there were 51 boarders and 4 day pupils, and at the end of the year, 41 boarders and 3 day pupils; in 1890, there were 35 boarders and 5 day pupils. We cannot keep the school going with such a small number.

Mr. Justice O'BRIEN.—It would be unreasonable to go behind 1889, because in October, 1889, you accepted a Scheme for Rochelle Seminary alone.

Right Rev. Dr. Gregg.—Up to the year 1890 we began every year with a credit balance. The year 1890 began with a credit balance of £90 15s. 3d., and it ended with a debit balance of £38 11s. 1d. That is, in the year 1890, the expenditure exceeded the income by £179 6s. 3d. Now the school is in a worse position than it was last year, and I will show you why. Where there are 31 girls, there must be as many classes as if there were 60, and the same teaching staff is required efficiently to teach 31 girls as to teach 60. The payments for the teaching staff at Rochelle at present are £430 a year. It is impossible to maintain that payment with the small amount that is paid for the pupils. The rest is £70 a year, and with taxes it comes to £124 12s. 10d.; salaries come to £430 a year.

746. Dr. TRAILL.—How many teachers are there for that sum?—Eleven teachers altogether, but they are not all resident teachers. There are other expenses; one matter it is necessary to refer to. I do not see what

voice the Select Vestry of the Free Church has in reference to this matter; £15 a year has been paid for whatever accommodation for the girls was provided in the Free Church. The girls have also helped in the choir. But I submit, though I should be more anxious than anyone else for the prosperity of the Church, as trustee of the school, that I do not see how the Vestry has a house stand in dealing with a large boarding school of this kind. In this present year we are actually carrying on the school at a loss.

747. Mr. Justice O'BRIEN.—Could you state what is the aggregate expenditure?—For the year 1890, it was £1,533 18s. 11d. The following is a summary of the expenses. House account, £358 12s. 7d.; rent, rates, and taxes, £124 12s. 10d.; pew rent, £15; salaries, £428 14s. 7d.; fire and washing, £90 3s. 9d.; gas, £37 6s. 11d.; repairs, £53 7s. 4d.; servants, £31 2s. 3d.; sick expenses, £23 2s. 1d.; garden, £3 1s. 8d.; stationery and sundries, £39 18s. 3d. There were other sundry payments amounting to £23 15s. 19d., so that altogether it came to £1,533 18s. 11d.

The amounts received were—Balmes from 1889, £90 15s. 3d.; pupils payments, 1187 8s. 4d.; interest on Victoria Stock, £29 16s. 3d.; Indian Stock, £7; Barrow Navigation Company, £35 10s.; Miss Whately (late resident superintendent), £40 for her board; rent of stable, £10; Intermediate Education Office, £13 10s.; extras paid by pupils, £29 13s. 7d.; fees, £1 1s.—£1 15s. 6d.; interest on current account, £5 8s. 1d., which leaves a debtor balance of £88 11s. 1d. In the summer of this year, Miss Whately died. She had been managing the school for a great number of years; she resided on the premises, and gave her whole time and energy to it; and not only did she do that, but she paid what she herself supposed her board cost. After her death, it became necessary for the Board to consider what they were to do. The superintendence of a girls' school involves a great responsibility. The lady who is the present teacher of the school could not discharge the duties; and after Miss Whately's death, it was necessary to appoint a lady at a salary to do the work she had been doing free. We were obliged, to carry on the school, to appoint a lady at a salary of £50 a year.

748. Mr. Justice O'BRIEN.—Is that included in the £430 for salaries?—No; that was last year for teachers only. This is the position in which the trustees find themselves. Last year there was a balance against them, and there was a certainty that it would be largely increased this year. No new pupils had offered at all, and six pupils sent in notice that they were about to leave. The question then arose whether we were to go on with the school until we lose all the endowments, or whether we could not set under the 18th clause and remove the school to a more convenient situation. There has been one disadvantage in regard to the education at Rochelle which it was not in the power of the teachers to correct. The object of the school was to teach young girls so as to enable them to earn their living as governesses afterwards. One of the most important parts of this training should be to teach them how to teach. There was no junior school connected with Rochelle and consequently it was impossible to train young ladies there how to teach. The trustees consider that that could be more effectively carried out in connection with the High school where there is not only a junior school but a Kindergarten; we would be able to give the same class of pupil in this way greater advantages than they had in the past in Rochelle. With a very slight increase of the fee, from £27 to £30, we would be enabled to provide greater advantages than they have got in Rochelle. Experience shows that if we raised the fees in Rochelle we would not have the pupils. What are we to do? Are we to go on until we expend all our endowments and lose them, or are we to make the change which we believe our scheme

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given us power to make, and carry out the trusts imposed on us under our present scheme? These were really the objects which the trustees had in view and why they passed those resolutions. I hold in my hand a letter from the Provost of Trinity College, who is one of the governors of Rochelle, in which he says: "Your explanation about Rochelle is quite satisfactory." I hold in my hand also a letter from Mr. Colville, Chairman of the Grand Southern and Western Railway, whose family have been connected with it, and he writes: "I was glad to hear from you on this subject. . . . I do not see what better arrangement could be made than what you suggest." His family have been connected with the school from the first. We conceived we had power to move the school to a different locality and then to educate the children by an arrangement with the High School. But it does not appear to me that the memorials from parents whose children have been educated at Rochelle School prove anything. Any one, knowing anything of education, knows that with a small number of girls paying £27 a year you cannot get the best education, and people getting education for their children at less than it costs are very willing that it should continue.

748. Professor DOUGHERTY.—Did your Lordship hear anything of the suggestion as to supplementing the income of the school by subscriptions?—A suggestion came to me of a resolution adopted by the Select Vestry of the Free Church, if the school was continued, to procure a guarantee for three years, but they did not name any sum; no particular amount was offered.

749. Mr. Justice O'BRIEN.—But did they offer to bind themselves by a guarantee?—There was no definite offer. The trustees considered whether an appeal for subscriptions from the public would be likely to have been met in a case of this kind and we did not think it would have been.

751. Professor DOUGHERTY.—You do not think there is sufficient interest taken in the school in Cork to make such an appeal a success?—I think not. I have said nothing about the High School; but we felt that these two schools in Cork were working more or less against one another. Our community is a limited community, and we felt we would be able to do better for the young people connected with our community if we united our forces and made one good school, rather than try to keep up two schools working against each other.

752. Monsignor MOLLOY.—Is there any difference in the social position of the pupils coming to the two schools?—I do not think there is any marked difference.

753. You do not anticipate any difficulty would arise in that way?—None, whatever. The idea has always been to keep at Rochelle, all the pupils of the class which the endowments are intended to benefit.

754. Mr. Justice O'BRIEN.—But the pupils of the High School may be above that?—The young ladies attending the High School are not all intended to be teachers—that is the only difference that I can see between them. Rochelle was intended for the daughters of professional people of limited means.

755. I suppose you have considered that in some specific way the amalgamation will put the joint institution on a different and better standing—because if you merely absorb the income and the insolvency of Rochelle into your other school it will not put you on a better footing?—We have considered that, and believe that there will be both an improvement in the education and a saving of expense.

756. Monsignor MOLLOY.—The saving would be in having one staff of teachers instead of two?—Yes, practically that is it.

757. Lord Justice FRYGEMAN.—You want to reduce Rochelle to an establishment for the boarding of pupils who will be taught in the High School, and the High School is to be retained as at present.

Dr. TRANTER.—Eleven teachers in a number out of all proportion to the number of pupils at Rochelle.

Lord Justice FRYGEMAN.—And if a girl is to be brought up as a professional teacher she would want a considerable amount of training in the business of teaching.

758. Professor DOUGHERTY.—How many resident teachers are there at Rochelle?—Seven resident teachers.

759. Lord Justice FRYGEMAN.—Miss Whately's death makes a difference against you of £80 a year. She was paid no salary, and she paid £10 a year for her food. You now have to pay a lady £20 a year and to feed her?—That is so.

Venerable Archdeacon ARDRAFF.—The High School for girls is entirely a day school. Some of the pupils are very little children. The attendance runs from 100 to 120.

760. Professor DOUGHERTY.—How many in the Kindergarten, and how many in the other department?—The institution in the High School itself is very small; it is always over seventy. The difference is made up by the junior school and Kindergarten. I would like to state the reasons why I came into connection with Rochelle. I am now a Governor of both, and chairman of the High School Board. The Governors of Rochelle being in this position, the bishop wrote to me in the summer, and suggested this arrangement as a very important one to be come to by the two Boards and the Diocesan Council, and appointing me to the vacancy on the Rochelle Board, caused by the death of the late Dean of Cork. I felt the responsibility to be very considerable. I knew nothing personally, and I only know since from the other Governors, what the position of Rochelle is. But I have a long knowledge of the High School and also of the Intermediate Education, and I know that in the High School, working, with the low cost of £25 a year, as a day school, we find educational requirements now are such, that with an income always over £1,000 a year, every farthing is spent on the school. There is something like £800 a year spent on the fees to teachers, and the residue spent on rent, rates, and taxes. The High School could absorb the twenty, thirty, or forty additional pupils without any great additional cost; and it at once occurred to me that there would be an enormous saving from Rochelle joining the High School, and I did my very best, under the circumstances, to get the best terms from the other Governors. Of course it is an advantage to the High School to have a considerable increase in the numbers of its pupils, because the increase of expenses in proportion is not so large.

761. Monsignor MOLLOY.—The classes are sufficiently large, but you could receive more?—I think we could absorb twenty additional pupils in the junior school. When the numbers were beginning to increase Miss Martin said we must give her additional class rooms. It is a most expensive operation this middle class teaching.

762. Lord Justice FRYGEMAN.—If the Rochelle pupils were brought to your schools have you come to any understanding as to what they would have to pay as day pupils for the teaching?—Our average fees in the High School are nine guineas. We have no objection to take the present Rochelle pupils, and I think we should be able in the future to take pupils of that class, who want to continue their education for their future living, for six guineas a year.

763. Monsignor MOLLOY.—Would you insist on being paid for all the pupils who come, whether they are free or not at Rochelle?—We have free scholarships at the High School too.

764. There are a certain number of pupils at Rochelle who get their education free, but when they come to you at the High School you would expect to be paid?—Certainly.

765. So that you might count on getting about £300 a year?—Not at present; we do not hope for

more than twenty-five additional pupils. There are thirty-one paying pupils at Rochelle, and six are under notice to leave, so that we do not expect to have much more than twenty of the present pupils.

766. You state that the non-paying pupils at Rochelle would be paying pupils with you and that £150 a year would fully meet your increased expenditure?—Yes.

767. Then the High School would benefit to that extent?—Yes, we hope to benefit very considerably. But our funds go for education pure and simple; we have no other objects for our funds.

767A. If Rochelle continues as it is under present arrangements it is likely some of the present pupils will not get any education at all, because it is running down so rapidly that it may cease altogether to be maintained; whereas under the proposed change, the class of pupils at present educated at Rochelle can be provided for at the High School, and the efficiency of the High School will be increased?—Yes.

Lord Justice FRANKLIN.—It is not possible for us to divert the funds of Rochelle from the purpose for which they were intended—to reduce the expense of education to the children of people of limited means.

Right Rev. Dr. GREGG.—I do not know about that particular point. But the trustees under the Rochelle scheme passed a resolution that the endowments of Rochelle Seminary be continued for pupils of the class for whom Rochelle was intended.

768. The endowments last year, according to the figures the Bishop gave us, amounted to £73 altogether; that £73 is a trust fund to be applied for the reduction of the expense of education. When you speak of an income of £1,189 you are speaking of money paid by the parents of pupils. If you get thirty-five day pupils into your school and if their fees are reduced by £3 each, it amounts to a loss of £105 a year.

Mr. JUSTICE O'BRIEN.—You are merely taking over an element of insolvency if you take over Rochelle without its endowments.

Right Rev. Dr. GREGG.—But we consider the present interest in the buildings at Rochelle. That is also part of the endowment, but it is liable for £90 a year. We also consider the possibility of moving the Grammar School, which immediately adjoins the High School, to the premises at Rochelle, and using the premises of the Grammar School as a boarding-house for the girls attending the High School.

769. Lord Justice FRANKLIN.—Would you think Rochelle suitable as a Grammar School; is not that chiefly a day school also?—Yes, but a great many of the boys who attend it come from the neighbourhood of Newtown and Passage, and they could just as well attend at Rochelle on the south side. The Passage Railway station is close to it; it is very little farther than the railway station is from the Grammar School at the other side. We think there may be an exchange between the two schools.

Ven. ARCHDEACON ARCHDELL.—I would also point out the great advantages in the High School for the training of teachers.

770. Mr. JUSTICE O'BRIEN.—But how did it happen that in 1889 when you applied for those schemes you did not face this question of rival schools?

Ven. ARCHDEACON ARCHDELL.—Rochelle was never a day school, and ever since the experiment has been tried, it could never succeed as a day school.

771. Lord Justice FRANKLIN.—It never was a paying day school. You want to use the teaching staff of the day school to teach the boarders, instead of keeping up a second staff?—Yes, and the increase of pupils in the boarding school will be very considerable. We have every appliance in the High School for training teachers. At present young ladies of an exceedingly good class come to the High School, pay an entrance fee of £10, and pay school-fee also, to be taken as pupil teachers, in order to

derive from the High School the benefits which we can give to those who intend to make teaching a profession. They have opportunities for teaching in the junior school, and the Kindergarten.

772. Professor DOUGHERTY.—Is it in the Kindergarten the ladies are trained who pay fees for training as teachers?—Yes, we are in connection with the Froebel Union in London, and we have examiners coming over every year, and they become excellent teachers. We are also in connection with the system carried out by the College of Preceptors. Our pupil teachers have gone out to fill very important positions and are doing very good work.

773. Lord Justice FRANKLIN.—As I understand the proposals, everything that is proposed could be done in the ordinary course of their business by the Governors of the High School, and of Rochelle Seminary. All they ask is to make more complete arrangements for a particular class of pupils. Without any scheme of amalgamation, as far as the High School is concerned, you can make the arrangements you propose to-morrow. The Rochelle Governors on the other hand are bound to teach their pupils and feed them, but they may put their school where they like. What advantage under the circumstance is there in our preparing an amalgamating scheme. When you have made your new arrangements, and set your house in order, getting rid of two bodies, and after you have by experience ascertained how it will work, then you can come to us.

Right Rev. Dr. GREGG.—But we cannot tell how long your life may be.

Monsieur MOLLOY.—We have got a renewed lease to March, 1893.

774. Lord Justice FRANKLIN.—There are opposing interests: the class of pupils attending at Rochelle, and the class attending the High School are not the same. In the High School you have a school for your wealthier class capable of paying, and in Rochelle you have a special class of pupils who are to get a high class education at a reduced rate, with a view to qualifying themselves for their own support afterwards in life, and as long as those two interests are to be consulted, should they not be consulted by different bodies?

Ven. ARCHDEACON ARCHDELL.—I think the Rochelle girls might be placed in a boarding school where young ladies paying higher fees would also be educated. As a matter of fact at present we have twelve girls boarding in the neighbourhood of the High School and it costs them from £40 to £50 a year. It would be a very much stronger boarding school if we had the two united, and we would have more of public confidence if we had this new and very important element in the boarding school there.

775. Do you say that the ten or twelve young ladies lodging at present in private boarding houses would probably become boarders if this amalgamation took place?

Ven. ARCHDEACON ARCHDELL.—Yes, and I think an influx of the better class of girls will take place, from the county to the High School. There is a clergyman's daughter now coming in every day by the Mallow Railway. She has to leave home at 7.30 o'clock every morning to attend the High School. She is about going in to the boarding house. There are numbers of cases of the same kind whose attendance would certainly add to the reputation at the High School. I am most anxious for the amalgamation. The class of girls the Governors of Rochelle want to have educated—girls going out into the world where refinement as well as culture is needed—will be much better off coming to this high class school. We have no facilities in the High School except our banking account which we took over with a balance on the wrong side.

776. Dr. TRAILL.—Is the debt increasing or diminishing?—This last year it has rather increased. We are just keeping our heads over water at present.

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777. **Monsignor MOLLOY.**—Will it be possible to get a suitable building for the Rochelle girls near the High school?—The Grammar School is only within a few yards and it is contemplated to remove the Rochelle girls to those premises.

Lord Justice FITZGERALD.—If you could move the Rochelle Seminary with its lands and grounds it is far and away better than anything you can get in the neighbourhood of the High school.

778. **Professor DOUGHERTY.**—Has a trustee been appointed in the room of Miss Whately?—No, not yet.

779. You came on the Rochelle Board with the advantages of amalgamation to the High School strongly impressed on your mind?—I did, but at the same time I was fully impressed with the benefit that would accrue to Rochelle. I am most anxious for the welfare of the Rochelle pupils.

780. Have we any other Trustees present to-day but yourself and the Bishop?—Yes.

Right Rev. Dr. Gregg.—The late Dean of Cork was a Trustee of Rochelle, but he died at the end of June, and Miss Whately died in July. The trustees were then forced by the death of Miss Whately to consider the situation, and we held different meetings, before new trustees were appointed, and the trustees were unanimously of opinion that something of this kind must be done. Then it devolved on our Diocesan Council to appoint a successor to the late Dean Madden. Having considered this question, some of the trustees of Rochelle who were members of the Council, proposed that the Archbishop should be appointed.

781. **Monsignor MOLLOY.**—What arrangements were you able to make to meet the deficiency in the accounts of last year?—That deficit balance was simply carried over. The next year it will be very considerably increased.

782. Then you will be obliged to reduce the staff or give up the school?—Yes; or eat into our capital.

Professor DOUGHERTY.—Or get subscriptions.

783. **Dr. TRAILL.**—A very small reduction of your staff would bring you within the balance.

Right Rev. Dr. Gregg.—The opinion of those best competent to judge, is that it would be impossible to reduce the staff.

784. **Monsignor MOLLOY.**—If your school was going down with your present staff, then reducing your staff would only hasten its fall.

Ven. Archbishop ADELPHI.—I have had no personal experience of the management of Rochelle, but I could not be, as I have been, a clergyman in the city of Cork over two thousand members of our Church community without knowing a good deal about it; and though I am convinced that the education has been excellent, I have seen thirty or forty papers recommending young ladies to Rochelle to be educated there as governesses. I have always felt the enormous disadvantage those girls were at in being educated there, without, perhaps, going through the intermediate course, nor the Royal University course, without having any competition whatever, or any opportunity of receiving such training as is to be had in training schools in England or at the Victoria College, Belfast.

785. **Professor DOUGHERTY.**—But the only training you appear to give in the High School is training in the Kindergarten department?—Oh I beg your pardon, they have experience of teaching girls up to twelve years of age.

786. For the purpose of training them as teachers?—Yes. The reason why I mentioned the Kindergarten especially is because the pupil teachers usually prefer the Kindergarten, but we have them in all departments. The names of different pupils occur to me now who have gone out fully trained in all the teaching departments of the school. But they prefer going into the Kindergarten department.

Dr. TRAILL.—And it pays better.

787. **Lord Justice FITZGERALD.**—But these Rochelle girls, many of whom I have known, have managed to get situations and to fill them satisfactorily?

Ven. Archbishop ADELPHI.—But the fact remains that they never had the opportunity of being regularly trained as teachers.

788. **Mr. W. F. Gregg.**—This whole question is a question of finance. Where is the money to come from? I don't think it is possible to get any amount of subscriptions for a school not capable of paying for itself.

Professor DOUGHERTY.—But this school was intended for a certain class of pupils for whom the endowments were left.

789. **Lord Justice FITZGERALD.**—Rochelle was never intended to pay for itself; from the very start these endowments were given to provide for some of the pupils. There were to be two classes of pupils, one, so to speak, on the foundation who would be partially supported by the funds, and another class of paying pupils, whose fees would enable the school to be carried on.

Mr. W. F. Gregg.—Then the case will arise, will you get pupils who can afford to pay sufficient funds to keep up the school, allowing the endowments to be applied for the class of pupils that it is intended they should be applied to? There are a great many girls sent to that school who ought to pay more than £17 a year, that are making use of the school because they are getting cheap education there, and who would not be sent there if they were asked to pay more.

790. **Mr. H. P. Julian.**—I would like to know Mr. Gregg's position in the matter. I understand the position of the Bishop and the Archbishop, but I want to know what Mr. Gregg has to say to the matter.

Mr. Gregg.—I am one of the Diocesan School Board. This question has cropped up before the Board, and it is necessary we should understand the position in which we are placed, because we cannot afford to give money towards this Rochelle School.

791. **Professor DOUGHERTY.**—But have you been asked for money for Rochelle?

Mr. Julian.—No, nor do we intend to ask for any.

792. I might as well say I cannot afford to pay the National Debt as for Mr. Gregg to say he cannot give any money to Rochelle. Time enough to refuse money when you are asked for it.

Mr. Gregg.—We endeavoured to see if it were possible for Rochelle School to be carried on; if possible we were anxious that it should be, but if it is not possible, that it should not be converted altogether into bankruptcy, and that the endowments intended for a particular purpose should not be swamped.

Right Rev. Dr. Gregg.—The real fact was that in the past a very benevolent gentleman, the late Mr. William Crawford, constantly came to Miss Whately's aid. That means of help has ceased with his death. She had difficulties from time to time, and on more than one occasion when she had a deficient balance he helped her through.

793. **Lord Justice FITZGERALD.**—Rochelle would pay quite well if it had the number of pupils it had some time ago. It could be carried on with 40 pupils. You must either get 60 pupils or the deficiency is money or wind up.

Mr. H. P. Julian, solicitor.—The Bishop told you at the start that in his opinion the governors were able to do this themselves if they thought fit. I rather think they acted on that supposition. Heretofore, and very much to the disadvantage of Rochelle and very unfairly to the institution—they acted on the supposition that they were entitled to do this thing without troubling you, and they merely come before the Commissioners as a matter of courtesy. I shall trouble you with a circular that the honorary secretary

of this institution sent out previously to applying to you, and which I think has very greatly injured this school.

794. **Monsieur MOLLER.**—Whom do you represent, Mr. Julian?

Mr. Julian.—The Select Vestry of the Episcopal Free Church and some of the parents of children attending the school. The circular was sent out on the 1st October by the honorary secretary of the Rochelle Seminary to one of the parents and I assume it was sent to all:—

"Dear Sir,—The Board of Governors of Rochelle Seminary direct me to inform you that in consequence of the decrease in the number of pupils and the death of Miss Whately, it appears necessary to make a change in the present arrangements so that in accordance with clause 12 (that is the clause the Lord Bishop referred to) of the Scheme of Incorporation of Rochelle Seminary removing the school to a more convenient house with a view to the attendance of the pupils at the High School. This change will take place."

You were not asked anything about it, but it is announced that "this change will take place," so the pupils and parents were face to face with a declaration which has caused great alarm and great injury to the school. "This change will take place during the Christmas vacation." No matter what your Lordships say, there it is stated by the honorary secretary of the school. "The pension required under this new arrangement will be £30 a year for board and education." The school to which we are to be amalgamated is to get the benefit of this increase. Would they not try how we would get on with the increased pension at Rochelle before they take it over to the High School? The Archbishop has told us, "I am most anxious for this amalgamation in the interest of the High School." We thoroughly believe that.

Ven. Archbishop Arundell.—I am most anxious in the interests of the High School that the boarding school should be strengthened.

Mr. Julian.—"I am most anxious for the amalgamation in the interest of the High School" were the words you used. I do not know whether you are aware how long the Archbishop's connection with Rochelle has been.

Professor DOUGHERTY.—At all events he went on the Rochelle Board with the idea of amalgamation fully in his mind.

Mr. Julian.—And this circular was sent out a few days after his appointment.

Mr. Justice O'BRIEN.—He did not allow the grass to grow under his feet.

Mr. Julian.—He was quite determined that this change should take place. There were two vacancies on the Rochelle Board at the time in consequence of the death of Miss Whately and of the Dean of Cork, and instead of filling up both vacancies the Governors co-opt the Archbishop who has this immense interest in the High School, and they co-opt the Rev. Canon Macnamara who fairly admits under his hand they co-opted him because they believed he would be best able to aid them in this work of amalgamation. There was no fair chance for this unfortunate seminary before its removal to the High School.

795. **Lord Justice FRANKLIN.**—But there is another removal which might take place if this did not—removal to the winding-up department of Chancery. What practical proposal do you make as likely to keep Rochelle Seminary where it is and working as it is?

Mr. Julian.—Rochelle Seminary is sixty-two years in existence.

Right Rev. Dr. GREGG.—Not at Rochelle.

Mr. Julian.—Not at Rochelle. The Bishop is quite right, and I thank him for the interruption. It commenced a much more horrible concern than it is at present. It was originally called a Governors' Seminary, and the girls occupied a house on the South Terrace. I am informed that from time to time from £2,000 to £3,000 have been laid out on those grounds

and premises. The mere gymnasium would swallow up the whole High School and its kindergarten. The late Mr. Crawford expended £300 or £400 on the gymnasium alone, and it is now proposed by those benevolent gentlemen at the other side to deprive the young ladies of this splendid place and its grounds and hand them over to the boys of the Grammar School. Those young ladies could always exercise in the moist weather in this gymnasium and those spacious grounds. It is a credit to everyone belonging to it. It is now sixty-two years in existence, and this is the first time it has ever been proposed, in consequence of its financial position, to destroy it. And who proposes its destruction? This scheme was propounded two years ago; if it has gone to the bad since then those gentlemen who were appointed governors are responsible. Long before two years were over they wanted to abolish it. They thought they could do it without applying to your Lordships, and if they could they would have done it. However, answering your question as to what we propose, I have here a printed report of this seminary in 1843. This is not the first time it was in difficulties. It was in difficulties in 1845, and as was hoped at that time, and as is hoped now with much greater chance of success, they surmounted those difficulties, and it has lived on for forty-five years more, though from that report you will see it was then in as bad, if not in a worse condition than now. What is the contrast between these two institutions as to their financial concerns? They admit on the other side that they are merely holding their heads above water, with a balance against them, and they want to amalgamate us with them for the great advantage of the High School with which the Archbishop is and always has been most powerfully identified. In the interest of that establishment he wishes us to go and join them while their heads are merely above water and there is a balance against them.

796. **Monsieur MOLLER.**—But the difficulty is that your heads are under water.

Mr. Julian.—But to a very small extent.

797. **Lord Justice FRANKLIN.**—What the Archbishop means when he says that the High School has its head just over water is that all the money they earn they spend in teaching. They earn a very considerable income, and over £800 a year is paid to teachers.

Mr. Julian.—They must be very extravagant in their expenditure if they have the number of pupils they have led us to believe and get from them the rate of payment that we understand is paid them.

798. **Lord Justice FRANKLIN.**—Instead of paying a private proprietor the profits are spent on the school by the managing body. No institution conducted on that principle ever can have more than its head above water.

Ven. Archbishop Arundell.—It would be very easy for us to reduce our expenditure and still carry on the school with efficiency within the bounds of our income.

799. **Monsieur MOLLER.**—But your principle has been to spend the income, whatever it is, on the school?—Yes, that is it.

Mr. Julian.—I was going to tell you the financial position of the seminary. We owe the enormous sum of £275, and to that extent our heads are under water. £29 is the amount, if my instructions are correct. I am so informed by the Rev. Mr. Ainley, the chaplain, who gets his information from one capable of giving it. We have had benevolent gentlemen in Cork, but the benevolent individuals in Cork are not at all exhausted, and we have men in Cork at present who would put their hands in their pockets and pay the debt if it were ten times the amount.

800. **Mr. Justice O'BRIEN.**—The funds and the property of the very benevolent gentleman mentioned remain behind, but does his benevolence remain?

Mr. Julian.—Oh yes, the benevolence has remained

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too, and in the same neighbourhood, and within the last day or two was announced a willingness to pay off any debt which the seminary owes or is likely to owe in the coming year. The proposal, if I am instructed properly, is to give a substantial guarantee from parties whose names will be well known to the public—well known to be as good as the Bank of Ireland—a guarantee to be given, if you think it necessary, for a period of three years, to pay, not a limited amount, but an unlimited amount—any debt that the establishment will incur, to keep up the staff and to keep it in working order for three years. Give it that chance at all events. It is proposed by the High School in taking over Roschelle to increase the payment by the pupils by £3 a year at least—they give themselves a margin, and say the cost will be £30 or £31 a year. But let us exist for three years with this guarantee which we are willing to give, and with the increased payment let us see what we can do. Since the closure of the honorary secretary of Roschelle, of course we have had no offers of new pupils. Parents do not advise the idea of sending their children to a seminary which is about to be closed, and having them, instead of being in the fine grounds of Roschelle, shut up in a close boarding house in the city of Cork. They are to be stuck into the High School or Kindergarten, or some place for housing a lot of young girls. Parents do not like that idea, nor the idea of housing them in one place and sending them of a winter's morning up to the High School, instead of having them in one suitable school as at present. But here is the Archbishop's letter of October 5, 1891, the very day of the closure:—

"I am authorized by the Boards of Governors of Roschelle Seminary, and of the High School for girls, to send you the enclosed resolutions as the grounds on which both Boards base their applications to the Educational Endowments Commissioners for a new scheme uniting both schools in one. As I have already stated to the Commissioners both the Boards are unanimous in seeking for this union, the proposal having come from the Governors of Roschelle as a result of the exigencies of their present position. I think it right to mention that there is considerable objection made by irreligious persons outside both schools to the union. These persons have no focus about whatever, nor any responsibility in the matter, nevertheless it may be well, if the Commissioners think fit, that they should notify this case for hearing when they visit Cork, so that any person having a right to be heard on the question may state his views if he so desires."

The following is a copy of the resolutions passed by the Governors of Roschelle Seminary:—

"That in accordance with Clause 18 of the scheme of incorporation, Roschelle Seminary shall be removed to a more convenient house, with a view to the attendance of the pupils at the High School, Cork. That the change shall take place during the next Christmas vacation. That we invite the Board of the High School to join with us in asking the Educational Endowments Commissioners to draw up a new scheme uniting the two schools. That if a joint scheme be drawn up for Roschelle Seminary and the High School, Sydney-place, the members of the Boards of Governors of the two institutions form a united Board for both as joined. That the clause in the Roschelle scheme with respect to religious education be preserved in the joint scheme with the addition of the Conscience Clause."

Then the Governors of the High School for girls pass the following resolution:—

"The Board of Governors of the High School for girls hereby adopt the resolutions passed by the Governors of Roschelle Seminary as a basis on which the two Institutions may be united by a new scheme, which the Governors hereby request the Educational Endowments Commission to draw up at their early convenience. The Governors think that the proposed amalgamation of the two schools will be for the benefit of both, and in the interests of Intermediate Education in the city and county of Cork."

Well, I have heard of a gentleman who called a meeting at which he was the only person present, and passed certain resolutions and announced they were

passed unanimously. What was the unanimous decision of the Roschelle Board? I do not know how many gentlemen compose the Board of the High School, nor whether they were all present when that resolution was adopted. But I know that under your scheme the Board of Governors of Roschelle consisted, in the first place, of two representatives of the Diocesan Council, who were, at the time of this scheme, the Very Rev. Samuel Owen Madison, Dean of Cork (now departed, and in whose place the archdeacon has been co-opted), and the Rev. John Nunn Woodroffe, Ballinglougha, county Cork. The other Governors are James Chalmers Colvill, Coolock House, county Dublin, Rev. George Salmon, M.A., Provost of Trinity College, Rev. Arthur David Macnamara, The Rectory, Ballymore, Co. Cork, and Mary Jenkins Elm Whately, Roschelle Seminary, who had died. I ask how many of those Governors were present when this unanimous decision was arrived at.

801. Dr. TRAILL.—I thought there were three!

Mr. JULIAN.—One only, I am informed, besides the Archdeacon.

802. Ven. Archdeacon Archdall.—There were four governors present when the matter was discussed and decided on.

Mr. JULIAN.—If I am properly instructed the only parties present at this unanimous meeting were the Archdeacon, whose interest in the High School is as great, and who was elected only a few days before, Canon Macnamara, and the Lord Bishop of Cork. I would be glad to hear of a fourth.

Ven. Archdeacon Archdall.—I will make an explanation.

Mr. JULIAN.—You corrected me, saying that there were four present. There were but three according to my instructions.

803. Ven. Archdeacon Archdall.—Canon Bruce was present when the resolution was come to.

Rev. F. W. Ainsley, Incumbent of the Free Church.—He was not there, my lord.

Rights Rev. Dr. Gregg.—There were several meetings at which it was considered.

804. Ven. Archdeacon Archdall.—There was present Canon Bruce, the Lord Bishop, Canon Macnamara, and myself. It was the first time I sat on the board, and I was brought there to state to them on what conditions the High School would accept the pupils of Roschelle, and the four governors came unanimously to the decision to carry the thing out. But this resolution was subsequently passed by three governors, they knowing well that Canon Macnamara had agreed to it.

Mr. JULIAN.—It was passed by three governors, one of whom was the Archdeacon, who was but a few days before elected a governor. Now two letters have been read here from the Provost and Mr. Colvill; the Lord Bishop told you, of course correctly, what the contents were—but those letters do not go at all to the same extent as the Lord Bishop's interpretation of them. The purport of the letters of those two governors is that they did not know what was going on, and they did not care to interfere with it. I would like to know what notice those governors got of this. They were bound to get six days' notice of a special meeting. Did they get that notice or were they told what was to be discussed. Those two gentlemen reside in Dublin, and it is important to know what notice they got or how the matter was put before them, for we can infer from their own letters that they knew nothing whatever about the matter until afterwards. They, I suppose, were unconscious in what they took no part in. A letter from Mr. Colvill, of the 14th October, to the Rev. Mr. Ainsley reads:—

"DEAR SIR,—I am in receipt of both your letters, with copy of your letter to a Cork newspaper. Having an opportunity, from our residence, of taking an active part in the working of Roschelle School, I abstain from expressing any opinion on the controversy concerning it."

That is rather different from taking sides in the question as represented.

"As I see the case will be before the Educational Commissioners this week I trust the matter will be arranged satisfactorily."

Now the Provost of Trinity College writes:—

"Dear Mr. Ainsley,—I feel that I have not information that would justify me in opposing the decision of the Board on this matter."

Both those gentlemen complain of absence of information regarding this proposed change.

Rev. Mr. Ainsley.—There is one important passage in the Provost's letter—

"Let the guarantee be produced on Friday, and if it is found to be reasonable and sufficient, I have no doubt the Commissioners will keep on the school as at present."

805. Dr. TRAILL.—Yes; produce the money.

Rev. Mr. Ainsley.—But we have a guarantee.

Mr. Julian.—The school was in difficulties in 1845.

It surmounted those difficulties, and has been for many years a flourishing concern. It has been proved to be one of the best educational establishments in Ireland, and one of the cheapest, and it has taken a larger number of pupils, and of a better class, than the High School, showing that the education there is of the very best class. Somebody has handed me a memorandum in answer to the statement of the Archdeacon's that at Rochelle they had not the opportunity, that would be afforded at the High School, of becoming teachers.

"Rochelle has had a training certificate for the special purpose of training pupils to teach, and the junior pupils have furnished materials for the pupils to teach."

But the best proof of its excellence is that it has subsisted for sixty-two years, and this is the first time it is sought to kill it, and the attempt is made by those who are deeply interested in the High School. The High School is but ten years in existence up to the present.

Venerable Archdeacon Arkdall.—Fifteen.

Mr. Julian.—Let it be twenty if you like, and it will still be but one third of our age. No doubt, the number of pupils has reduced, and it is now smaller than it was at any time heretofore, but that is easily accounted for. Mr. Potter told you that he was delighted about accounting for the falling off. I will have to give you more pertinent evidence on that point. For a couple of years before her death, Miss Whately was very ill, and for a great portion of those two years she was constantly confined to her room, and her capability of managing the school ended. She was ill mainly while her health and her powers remained; but for two years before her death difficulties in the way of her successful management existed, caused by her ill-health, she being confined to her room for lengthened periods, still holding the reins of government, as she considered it her duty to do, and matters could not be done without her consent. The lady who is now in authority is admitted on all hands to be thoroughly competent. She was simply under Miss Whately's control to do anything which she was ordered. Miss Whately had her own peculiar ideas of the management of a large school, and during her two years' illness, she was of course unable to carry them out efficiently, and in many cases she had differences with the parents of the pupils. I have one of them here, a gentleman who will tell you the difficulty

he experienced with Miss Whately. He had a daughter in the school, who had to leave for awhile in consequence of illness in a family with which she was mixed up, and he experienced such difficulties in his communications with Miss Whately, as to getting his daughter back that he had to give up the idea. There are others also, who in their communications with Miss Whately lately, did not find them as satisfactory as they could wish. One family in particular, where there were five daughters, had to remove them all in consequence of complaints made. In that way the number of pupils fell off, and it is no wonder.

806. Mr. Justice O'Brian.—When did Miss Whately die?

Mr. Julian.—In July.

807. Do I understand you to convey that the six notions of pupils being about to be withdrawn were before or subsequent to her death?—Subsequent; some of them have been withdrawn.

808. Lord Justice Fitzgerald.—But Miss Whately who has been the mainstay, is dead, and what do you practically propose?

Mr. Julian.—That things should be allowed to go on as they are.

809. Lord Justice Fitzgerald.—But they cannot go on as they are, the funds will not be sufficient.

Mr. Julian.—Let this increase in the payment proposed to be made, if we go over to the High School, be made at once without any change—and I have no doubt the parents of every child there will willingly contribute that increase, rather than that this amalgamation should take place.

810. Dr. TRAILL.—Could you guarantee more pupils?—That would be more to the point.

Mr. Julian.—The Rev. Mr. Ainsley could give you more information on that point.

811. Monsignor Molloy.—In what form do you propose to give the guarantee?

Mr. Julian.—In any approved form that the Governors should be advised is necessary.

812. Monsignor Molloy.—Do you mean that the deficiency for the next three years, whatever it is, will be made up.

Mr. Julian.—Quite so.

813. Dr. TRAILL.—Why did not you make that offer before to-day?

Mr. Julian.—I am instructed that the offer of a guarantee made was not in any way limited, and the Governors were told that the members of the Select Vestry, consisting of a great many of good position and good means, were willing to give that guarantee.

Right Rev. Dr. Gregg.—That proposition never came before the Board.

Mr. Julian.—The Rev. Mr. Ainsley will tell you all about that.

814. Right Rev. Dr. Gregg.—There is one point that I would like to give Mr. Ainsley the opportunity of answering.—Mr. Julian has stated that the School owes only £29 at present. Mr. Julian has not had the advantage of hearing, as I have, all the circumstances connected with the financial position of the Seminary. The explanation is quite simple. The fees for the pupils are paid in advance. Of course the debt was cleared off at the beginning of the term, but you get no more money; and what is there to pay salaries at the end of the year? There is no money whatever to come in before the end of the year.

Miss H. A. Martin, Head Mistress of the High School for Girls, examined.

815. Lord Justice Fitzgerald.—What is the largest number of pupils you have had at the High School at the same time?—135.

816. How many have you now?—120.

817. How many more in your present building accommodation sufficient for 1?—I really don't know.

818. How many might you take?—30 in the High School and a great many more in the Kindergarten—if they came.

819. As regards your teaching staff—by how many would you have to enlarge the number of your teachers? It depends on the classes I will have to

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introduce. If I have to introduce a fresh University class, I shall have to introduce a new teacher. If only matriculation, it may not be necessary. I have five pupil teachers on the Probation connection and four in the High School. The whole strength of the staff is nine including myself. There are classes for all from the children of three, to girls going in for the Matriculation Examination of the Royal University. If I have to organise for the University, I shall require further assistance.

830. What further assistance would you require? One more teacher would suffice to carry them on to the first University and I think you might almost say to a Degree.

831. Mr. Julian.—What is the average expense of a pupil at the High School? From the Kindergarten up, the fees are graduated to 9 guineas—except to the first University,—that does not include fees for music or painting which are, Master, 2 guineas; Mistress, 1 guinea; and painting 1 guinea, per term. A South Kensington class I have to teach myself at 5s. per term, and drawing is taught as ordinary.

832. Mr. Julian.—The class of ladies trained at the High School, in addition to being a better circumstanced class in the way of means, are able to dress better than ladies paying £27 a year, at Rochelle!

Lord Justice FitzGibbon.—You are getting into dangerous details now.

Mr. Julian.—Yes, but consider the feelings of those young ladies of limited means, having to walk through the streets, from this boarding-house and then going in a crowd of richly dressed wealthy young ladies.

833. Lord Justice FitzGibbon.—We have seen the two institutions, and we have seen the young ladies, and there is nothing whatever to prevent the young ladies of Rochelle from meeting those at the High School on an equal footing.

Mr. Julian.—Yes, but the one class can afford to dress much better than the other, and the young ladies at Rochelle may feel very considerably at having to walk through the streets to this High School instead of being educated where they are at present, where they have the advantage of seclusion and facilities for exercise of every kind, tennis and other pastimes.

Lord Justice FitzGibbon.—I am afraid we cannot reduce this question of amalgamation to a question of tennis.

Mr. Justice O'Brien.—Those distinctions of class Mr. Julian refers to do not exist at all at the High School.

Mr. Julian.—We will receive the pupils of the High School at Rochelle if they come, but do not ask us to leave it.

Rev. Mr. Ainsley.—As to the debt of £39. It is right to state that though that is the amount at present it is likely to be much greater at the end of the year.

834. Lord Justice FitzGibbon.—The debt of £39 represents the means by which the school has to be carried on until Christmas, and the salaries and other expenses are to be met then.

Rev. Mr. Ainsley.—I have looked at the question from this point of view—that the scheme was made to carry on the school if possible, and I think it is possible. Most of the girls come from places outside Cork, and the element of rivalry enters into the working of the schools, but to a very small extent. Fifty per cent. of the girls, at Rochelle, at least, come from different parts of Ireland—Belmont, Dublin, &c., and some from England, so that the number of girls attending Rochelle would not in any way interfere with the prosperity of the High School, for which I may say I have great esteem. But the debt owing at present is owing very much to a crisis resulting from Miss Whately's continued long illness and absence from the school, and her inability to meet the parents of girls with that perfect sympathy so much needed in the head of a school. Miss Whately was a great friend of many but she did not get on so well with

others. I do believe now that with Miss King at its head the school would go on without falling into irretrievable debt. It was mentioned by the Lord Bishop that the school had a great friend in Mr. Crawford. Well, so it had, and I believe it will have great friends still. After I had received Dr. Selmon's letter yesterday I went to see a lady in Blackrock and she immediately volunteered to give £20, and if I had asked for more she would have given it. There is another gentleman, a brother of Miss King's, who is so sure of the stability of the school that he is willing to give a guarantee of £50 a year for three years. The members of the Select Vestry for whom Mr. Julian appears—I appear for myself as the friend and the Chaplain of Rochelle School—would also guarantee £50, and I dare say if they were pressed they would guarantee some more—for there is not a particle of money consideration to us in this matter. We could get on even if we were to omit the poor rent which has been paid only for a few years. It was the Bishop himself, in the interests of the Free Church, who suggested that it should be paid—for many years there was no such thing. But we have taken action in this matter because we have an idea that this school if amalgamated with the High School will be practically destroyed, and that a large number of girls for whom we would have great sympathy would be stranded. The Governors of Rochelle and of the High School do not themselves expect that those girls would go to the High School. The Archbishop has said that only ten or twelve might go.

Von Archbishop Archbishop.—I said nothing of the kind.

Rev. Mr. Ainsley.—When we think of the great constituency from which the girls at Rochelle come, I think there is great reason to hope that the number of pupils might be made up to make the school still a success. Since this question was started I have had a great many letters from parents and friends, and though it is still early in the term there have been promises of eight or nine girls who would be sent to Rochelle if the school is allowed to be kept open. I have those letters, and they represent the general view of the public that under Miss King's management and with her staff of teachers this school could pay its way.

835. Mr. Justice O'Brien.—All these difficulties that now exist could have been foreseen in 1869. Yet there was no allusion then to the necessity for amalgamation.

836. Lord Justice FitzGibbon.—Miss Whately, from her evidence on a former occasion, manifestly knew thoroughly that Rochelle could not go on without outside help. She was referring continually to the annual subscriptions, and she said that although £37 or £39 a year would pay well enough if the school was full, if the numbers fell away the school could not go on. Her own removal makes a great difference. She was as good as an endowment of £50 a year: she paid £40 a year for her keep, and saved £50 a year salary. Therefore, Rochelle is not now, and it never was, a place that could maintain itself on its own money. It must get some funds now, or things cannot go on. You must increase your income, or reduce your expenses. Rochelle is a different thing altogether from what a boarding house attached to the High School would be. It is a place in the country with grounds and buildings of its own, where the girls can make their home—a country boarding school. The other would be simply a boarding house, from which the girls would go to school in another building. But it is a question whether you can keep up both. This discussion shows that there is a very much stronger and more general feeling in favour of maintaining Rochelle than perhaps either the Bishop or the Archbishop imagined. The Archbishop suggested in his letter to us that we should give an opportunity—though he thought they had no *bona fides*—to those who supported Rochelle, and apprehended danger

from the proposed change. This whole discussion, I think, likely to result in some attempt being made to meet the deficit, and also to consider whether you can work Rochelle by guarantee. The Rochelle Scheme contains a number of provisions for subscriptions, which shows that we regarded subscriptions as necessary, and now it is clear that unless there is some outside help, Rochelle cannot carry on upon the lines laid down.

Rev. Mr. Ainley.—Subscriptions might be sought, not from Cork only, but from every part of Ireland, for pupils from every part of Ireland come to Rochelle, and wealthy people, north and south, might give subscriptions. The High School might seek help in Cork.

327 Lord Justice FRANKS.—I do not think that the High School needs any immediate help. The number of pupils is increasing. The number in 1881, which was the largest number up to that time, was 111; the total now is 120. The place is advancing. The existence of the High School is not involved in this at all. It has progressed, and is very likely to continue to progress. No doubt, it would be an advantage to it if Rochelle were joined, as it would then have a larger number of pupils, and could afford to give a better education.

Rev. Mr. Ainley.—I have always looked at this matter simply from the Rochelle standpoint, and in all I have written my object has been the good of Rochelle. I believe Miss King and others think it is quite possible to carry on the school without keeping up every expense. Miss Whately was indeed an endowment to Rochelle, but as a rule, a paid principal would be a greater help in a school than an honorary one. Certain alterations could be made which would reduce the expenses by £20 or £40 a year. The debt is very small when compared with the worth, history, and educational results of the school. The financial condition of the school is not sufficiently bad to close or amalgamate it. To remove it into the city would be practically its destruction.

328. Dr. TRAILL.—What is proposed to be done with the place?

Right Rev. Dr. Grays.—We thought it would be possible to transfer the Grammar School to it.

Mr. Justice O'BRIEN.—For over fifty years this institution has depended on subscriptions, but it appears none have been collected under the new scheme.

329. Monsignor MOLLOY.—A complete change of character would be effected in Rochelle by transferring it as proposed into the city from the open country where it now is. It would be converted into a mere boarding-house for girls, who would go to the High School for their education, and it might be found that under the new conditions it would not at all fulfil the purposes for which Rochelle was originally intended. I think the guarantee now proposed an extremely liberal one. If the friends of the school provide the guarantee I think it would be well for the Governors to give Rochelle a chance, and see whether it would not raise itself from its difficulties, and whether they could not maintain an institution which is unique in the city, and which has done great things in the past. Because certainly the prestige and value and character of such an institution would suffer very much if it were reduced to the position of a mere boarding-house.

Ven. Archbishop ARCHDALE.—A deputation of gentlemen connected with the Free Church came to the Governors who, I think, have not been treated altogether fairly in this matter, and the suggestion that a guarantee should be given came from us. That was three weeks ago, and I presume Mr. Ainley and his friends have not been able to procure it during that time. I am sure the amounts named would not at all meet the exigencies of the case.

Rev. Mr. Ainley.—I have hardly taken any trouble whatever owing to the action of the Governors. The only two people I asked promised the amounts I have stated.

330. Monsignor MOLLOY.—The subscriptions you mentioned were, as I understood, examples of what could be done, but are not to be taken as exhausting all your resources for a guarantee.

Rev. Mr. Ainley.—Oh I not at all.

331. Lord Justice FRANKS.—I may mention an instance to show the peculiar value of Rochelle as an educational institution. I have occasionally had to deal with cases of young girls who wanted to qualify themselves to earn a livelihood as teachers, getting assistance from some funds with which I have something to do, and Rochelle is one of the very few institutions in which for a moderate payment we could obtain training for girls of that class. I know one girl who is now earning her livelihood and getting on extremely well, whose success is attributed to the training she received at Rochelle. I fear that a mere boarding-house in connection with the High School in this city would not attract such cases. Rochelle as it stands supplies a want which would not be supplied by a boarding-house in connection with the High school. You should bear that in mind before you close it up.

332. Mr. Justice.—Do you think that under the thirty-seventh section of the Scheme you have power to make such an order at all?

Lord Justice FRANKS.—This application for amalgamation cannot produce any immediate effect. If we were to publish a draft scheme to-morrow for the amalgamation of those two Governing Bodies, it could not become law for six months. It would probably be eight months before the scheme could become law. The proposal to remove Rochelle, that has been put forward, should be carried out. The removal should take place within that time, and the only effect of our framing a scheme would be to put both institutions under one Governing Body. Our scheme could not be in time to authorize the removal of Rochelle, as proposed, at Christmas, and it occurs to me that we should not now prepare or publish a draft scheme, but should rather wait, see what is done, and ascertain whether Rochelle is likely to get on.

333. Mr. Justice.—Don't you think it would be well to suggest to the Rev. Mr. Macnamara the withdrawal of that circular threatening to have the Seminary closed at Christmas?

Lord Justice FRANKS.—We cannot make him withdraw his circular; and it occurs to me that it was a very necessary thing. He has no assurance of further funds, and a trustee has no right to carry on trading at the expense of his capital. It is very questionable whether the Governors could sell out their stock to pay a deficiency on the annual account. They should get the sanction of the Commissioners of Charitable Donations and Bequests before selling out capital to pay current charges. There seems to be no money in hand, and there will be £200 wanting on the 31st December. The deficiency last year was £178, and the deficiency this year must be more. There was a debt at the end of last year which was met by calling in the fees for this year. The fees are now spent, and £25 owing with them, and that £25 and the whole expenses of this term must be provided in some way.

Ven. Archbishop ARCHDALE.—I think Mr. Justice and Mr. Ainley's statements have done rather hardly with the Governors. The Governors do not ask the Commissioners to undertake the responsibility of maintaining the school. That is entirely a matter for the Governors, who are bound to see that it shall be done without trampling on the endowment, which is for a special class of pupils. It is now clearly shown that it is within the power of the Governors to close Rochelle, and to transfer the school to a suitable house in connection with the High School. But we

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only ask for a scheme for that transfer, if it be understood that it is the best and only arrangement that can be made.

834. *Monsieur Motter*.—I do not think it is clear that you have the power to convert a seminary into a boarding-house.

Ven. Archbishop Archbishop.—If you look at the scheme you will see that the Board have power not to have a boarding-house at all, and that their first is simply to educate in a school.

835. *Monsieur Motter*.—Yes, but the power you want to exercise is the power of not having a school.

Ven. Archbishop Archbishop.—We have always proposed to preserve the boarding school for girls from a distance, but if driven by emergency we might shut up the boarding school altogether.

836. *Professor Doan*.—Unless this deficit is made up in some way Rochelle is bound to close. But if you are to have controversies in the newspapers, and the Governors are to be represented as anxious to shut it up, little good will come of an appeal for additional funds.

Ven. Archbishop Archbishop.—The Governors of both schools were very hardly dealt with in letters to the newspapers by the Rev. Mr. Ainley and others.

Rev. Mr. Ainley.—I do not agree with that at all. I deny it.

Mr. W. F. Gregg.—They were most unfairly attacked.

Ven. Archbishop Archbishop.—The Governors must take measures to clear off the debt by a guarantee. If they cannot do that, they must close Rochelle.

837. *Lord Justice Fitzgerald*.—It would be much more difficult to put it on its legs again if it were once closed. Closing a school like that for a month would practically mean its abolition.

838. *Monsieur Motter*.—The position appears to be this:—the trustees have a school which has been most successful up to the present time. They have got into a financial difficulty, and the parents of the pupils append to the school so highly that they come forward and say they will guarantee the payment of any debt that may be incurred if the Governors carry on the school for three years.

Mr. Julian.—The parties who undertook to do that make a suggestion which I think fair and just, that is, that you should insert in this scheme a clause providing that when they have put themselves in the position of subscribers as it were, they shall be empowered to nominate one Governor on the Board.

839. *Mr. Justice O'Brien*.—No power is given to guarantee to nominate a Governor.

Mr. Julian.—They will in addition to giving the guarantee put themselves in the position of subscribers, but they ask in return that they should get one Governor on this Board who has no interest in the High School.

840. *Lord Justice Fitzgerald*.—Rochelle Endowment was excluded from the compulsory powers of our Commission because it belonged to one denomination. The scheme was prepared for the purpose of being submitted to the Court of Chancery, and when our Act passed the trustees were advised by the late Mr. Larned by counsel to get it passed by us rather than by Chancery. Miss Whately was examined very fully on the question of representing subscribers on the Board and she would not accept any provision that would give subscribers an absolute right to come in, but she was willing that a provision should be inserted enabling the Governors to provide for the representation of subscribers through an arrangement to be sanctioned by themselves. The practical course would be for those acting for the school to collect subscriptions, and when they had prepared a list showing the funds available, to say to the Bishop, "We have money to pay off the debt. Summon the Board of Governors, and get them to elect one of us on the Board, and then

we will give you the money." If the Governors declined then their position would be very different from what it is now. Here is the provision for the election of Governors by subscribers—

"If, and whenever, the number of qualified subscribers shall not be less than five, if the Governors shall think it expedient they may provide for the election of additional Governors by the subscribers in accordance with the following provisions:—An annual meeting of the subscribers shall be held at such time in each year as the Governors may appoint. At each annual meeting the qualified subscribers may, in each manner as the Governors may appoint, elect as representatives of the subscribers one additional Governor for every five members present, or represented by proxy or voting by voting paper, provided that the total number of such additional Governors shall not exceed four."

I repeat my own strong hope that something will be done to keep Rochelle on its feet, for I do not think that the proposed boarding-house will at all supply the want which it has so long supplied not to Cork alone but to the whole country.

Rev. Mr. Ainley.—I would ask the Governors to have that circular withdrawn, as suggested by Mr. Julian. That notice is in the hands of parents at the present moment; they are informed that the school will not last longer than Christmas. Unless parents have some hope that the school will be continued, there may be difficulty in getting the amount of help required.

841. *Lord Justice Fitzgerald*.—The want is a very definite one, and it is only to be met in one way.

842. *Mr. Justice O'Brien*.—And it is absolutely incumbent on the Lord Bishop and the Archbishop to consider their financial position in connection with this matter.

Rev. Mr. Ainley.—The position of pecuniary difficulty is nothing unusual with Rochelle. It has often been in the same way, or worse, than it is at present, and it has got over it.

Venerable Archbishop Archbishop.—Some of us have had to look a long way ahead in matters of Intermediate Education, and we see that young persons preparing to be teachers generally find in their own locality very admirable means of instruction, without coming to a boarding-house in the city. The diffusion of education from different centres has altogether changed the character of the education and attainments necessary for teachers. The Queen's Scholarships under the National Board, and Scholarships in England, have driven away some of our best candidates. The advancing condition of education, and having a large central power in education in this country, tend to reduce the hope that the numbers of pupils at Rochelle will permanently increase, so as to enable us to maintain it efficiently without the aid of very large contributions. Cork is a comparatively poor place, where Protestant people are very highly taxed already, so that to seek in Cork for such aid for the education of strangers is not very hopeful. I need not say on the part of the Governors that, if we have subscriptions enough, we will be happy to go on.

843. *Mr. Justice O'Brien*.—Those schemes were settled, not under the compulsory powers of the Commission, but with the consent of the parties, and does it not appear contrary to the principles of justice, that, having given you certain powers under the Scheme, those powers should be allowed to die out?

Mr. Julian.—We are willing to accept the responsibility with all the powers conferred on the Governing Body, and we are sure they are not going to destroy it after its 43 years' existence.

Lord Justice Fitzgerald.—But its existence always was dependent on external funds. Rochelle never did support itself.

844. *Mr. John Ousley Moyne, Nenagh*.—I think that the Governors acted a little precipitately in not consulting the parents of the pupils before they issued their notice. I want to throw out a suggestion. The

proposal now is that the parents should pay £30, with an extra charge for Music and Painting; bringing it up to about £35, or say £33 a year. I suggest that before you close the school, you should send out a circular to the parents of pupils, and see how many are willing to pay £33, and to fall in with the new arrangement?

Lord Justice FRANKLIN.—Parents who have children at a school like this, would gladly make an effort to pay a little additional money during the remainder of the term, in place of having to look out for another school. But you must remember that every pupil paying £37 a year, is a load on the school. And I am afraid that any attempt to improve the financial position by getting additional fees from the parents of existing pupils, would increase the difficulty in the way of increasing the number of pupils. Miss Whately stated that she found the greatest difficulty in getting in over £37 a year.

Monsieur MOLLOY.—I think you have strong ground of objection that has been overlooked here, and that is that they not only propose to remove the pupils from Rochelle to a boarding-house, where they would be deprived of many advantages they now enjoy, but they put a tax on you of £6. That is, I think, a hardship on the parents.

Mr. Myles.—It is only proposed that the guarantee should last for three years, and I propose that a circular be sent round inviting parents to state whether they would be willing to pay the increased

fee for their children at Rochelle. I would try that as an experiment at all events.

Mr. Julian.—Your lordships will, of course, recognise that there is a certain antagonism between those two schools.

Monsieur MOLLOY.—I would rather say that there is a strong feeling of appreciation of the present school at Rochelle, and it is plain that the High School does not fulfil the same purpose with regard to the special class of girls who have to earn a living afterwards as teachers or governesses.

Miss Martin.—I have the daughters of farmers attending the High School, some travelling long distances by train. As to training for Queen's Scholarships, two of my pupils have taken advantage of that in English Colleges. One is a teacher under an English school-board, at a salary of £80 a year, another has been appointed school-mistress at Tealy, a very good position. Another has gained a free studentship in the College of Science of £70 a year. I do not think that those results indicate useless or frivolous training.

Lord Justice FRANKLIN.—The advantages of the High School are in every way as great as those of Rochelle, with the one special exception.

Mr. Julian.—In order to give us a fair chance of living for an extended period, would it not be well to adjourn the election of the sixth governor, or make it a condition that he should not be a governor of the High School.

Miss King, Principal Teacher at Rochelle, examined.

845. Lord Chief Justice FRANKLIN.—How long have you been at Rochelle?—Fifteen years.

Have you present at the former inquiry?—Yes.

846. Could you give us any idea of the prospects of your getting an increased number of pupils if there were any change in your terms?—I cannot say about that. I do not know whether pupils would be willing to pay more, but I know a great many have said they would not think of going to the boarding-school.

847. Do you think an increase in the fee is practicable?—I do not think it would be very advisable.

848. Monsieur MOLLOY.—If the school be brought up to Cook there would be a falling off in the pupils?—I think two of our present pupils would go and the rest would not.

849. Lord Justice FRANKLIN.—What would become of them?—They would be stranded. They do not know where to go.

850. Monsieur MOLLOY.—Can you tell us why the pupils would go away if the school were brought up to the boarding-house?—Because the parents object to the close situation in the midst of a town.

Mr. Myles.—My objection would be that my daughter would not have proper supervision at her studies.

Monsieur MOLLOY.—The whole character of the institution would be changed.

Mr. Myles.—That is my distinct opinion.

Miss King.—We now do without a maid-servant who cost £30 a year. But we have additional help since Miss Whately died, which cost £20. We have an extra servant, but we have got rid of other expenses, reducing the loss caused by Miss Whately's death to about £73. I believe there are deposited funds in the bank, accumulated from time to time, which would quite cover the loss of last year.

851. Professor DOUGHERTY.—Have you had any applications lately?—Yes, from parents wanting information about the School.

852. Do you think there is a reasonable prospect of getting pupils to fill the places of those leaving?—Quite a sufficient number.

853. Lord Justice FRANKLIN.—Have you formed any opinion as to the minimum number of pupils

permanently maintained that would keep up Rochelle?—I think 60 pupils would keep it up.

Right Rev. Dr. Gregg.—I do not think less than 60 would be sufficient.

854. Mr. Justice O'BRIEN.—To what do you attribute the decrease since 1889?—I think Mr. Aisley gave the proper reason for it.

Mr. Myles.—Another thing I may point out is that the School is not at all sufficiently advertised.

Professor DOUGHERTY.—It used to be advertised in the Northern papers.

Mr. Myles.—Very seldom, I think.

855. Ven. Archbishop Archdall.—There was a very large advertisement of the School—a very full notice of the School was sent to all the papers within the past few months. I feel some difficulty now as to my position. Being on the Board of Rochelle, of course I shall do my best in the interests of the School. I can very well understand all difficulty being removed, if a sufficient number of subscriptions be at once guaranteed; but if that be not done, and if the numbers attending the School do not increase, I am afraid the Governors are in a difficult position. There is a strong expression of opinion on the part of the Commissioners, and of course it deserves the greatest respect, as regards the value of the School. What would you advise us to do in those difficulties?

Dr. TRAILL.—I would advise you not to close the School whatever else you do. Hold on to it for three years, and cut down the expenses a little.

Mr. Myles.—No one has an account of all the subscriptions promised.

Right Rev. Dr. Gregg.—I have not received a single definite offer of either subscription or guarantee before to-day.

Ven. Archbishop Archdall.—I certainly would not like to undertake to govern a School like this, with a strong feeling of prejudice and opposition against me outside, merely on a guarantee; because if there were a failure, I should be blamed for it. But I certainly should be quite prepared to do all in my power to support Rochelle, if a certain amount of subscriptions were given. That, too, would at once give the subscribers a governing voice on the Board.

Rev. Mr. Aisley.—What time will be allowed to the friends of the School to collect subscriptions as

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well as the guarantee—which I am sure the Bishop, when he hears the names, will be quite satisfied with. It has been stated that the Governors have not received any offers of subscriptions—they have received offers over and over.

Venerable Archbishop Droghda.—I would ask the Commissioners not to support Mr. Ainsley in what has been implied all through, that there has been any feeling of hostility to Rockelle on the part of the Governors. That feeling, which has been created outside, has been most injurious.

Mr. Justice O'Brien.—There was the most absolute propriety in every action taken by the Governors. There was an imperative necessity on the Governors, having regard to their responsibilities as trustees, to do as they have done.

Right Rev. Dr. Gray.—Mr. Ainsley and all that are with him know me well enough to know, that if they come forward and make a reasonable business-like proposition, I shall meet them as far as I am concerned, as Chairman of the Board, in the fullest confidence and in the fairest way, and if they like to meet me at Rockelle I shall consult with them. I cannot undertake, and I will not consent, to act as Chairman of the Board of Governors, if we are likely to drift into bankruptcy, but if they show me a way out of the difficulty, I shall be most happy to co-operate with them.

Rev. Mr. Ainsley.—I have had a special interest in opposing this change, but I never for a moment had in my thoughts that the Bishop and the Archbishop and the other gentlemen had not the deepest interest in the welfare of this School.

536. Lord Justice FRYGEMAN.—What has taken place here bears the strongest possible testimony to the efficiency of Rockelle in the past. The whole of this excitement has resulted from some apprehension that Rockelle was about to cease to exist. People imagine that it can go on without any trouble on their part in the future, as it has done in the past; but circumstances have changed very much to the detriment of the institution. First, by the illness and death of Miss Whately, a serious burden has been thrown on the place, and secondly, there has been a falling off in the number of pupils, until it is now considerably below the number at which the school can be maintained. The Trustees have definite liabilities as well as duties, and it is not among their powers to spend the capital of their endowments in paying expenses from year to year; the capital should be as permanent as the incorporated body having charge of it, and they have no right to live upon the future by running into debt, or to live on the past by spending capital intended to be a permanent fund. They may become personally liable if they violate their duties, and they are morally responsible, even if personal liability does not arise. When the Trustees found the school to be in the condition in which it was, it was their bounden duty to hold their heads, to reduce their expenditure, or to increase their income. I am satisfied that the Archbishop's opinion is that he could supply, at a much less cost, similar or better education in another place in the city. That is a matter upon which opinions may and do differ, because on the other side there is a strong body of opinion that Rockelle with its surroundings can supply the wants, that are to be met by it, more adequately than a boarding-house in connection with the High School. But meantime this matter of money is very pressing. I do not shrink from saying what I think by way of advice. As regards exercising our legal powers, any draft Scheme we drew up now, even if it were unopposed, could not become law for more than six months; probably it would be longer, but that it is the absolute minimum. If the Scheme were objected to, the delay might be increased very considerably. Therefore, nothing we could do now could take effect until long after the position of the Trustees would have become much worse than it is, if they allowed the thing to go on as it is. Therefore, the first thing to be done is to determine, as soon as possible, whether

Rockelle is to be carried on. The end of the current year is the most distant date to which prudent Trustees could be asked to carry it on as they are doing, and the circular issued names that as the time at which they had made up their minds the School was to cease. If the School is carried on for twelve months more as it has been, before the end of 1892 there must be a deficit of more than £500. It will be very nearly £300 at the end of this Session, and if it went on in the same way, things would be still worse next year—with fewer pupils, and with the expense the same, the deficit would be larger. Accordingly, the first step that would command itself, is that suggested by the Bishop, that Mr. Ainsley and the parents of the pupils should communicate together, and should also communicate with friends interested in Rockelle, in Cork and elsewhere, and find out whether they can make up the money required to keep it going, not merely a guarantee but money that will enable it to start next year clear of debt. If they do that, nothing could be more reasonable than that they should have some representation on the Board of Governors. Under the Scheme there is power left the governors to provide for such representation. I can conceive no other that should be more gladly welcomed by the Governor, than an offer to pay in £300 before the 1st of January, upon the terms that at the January meeting the subscribers should elect a governor, or the subscribers might even offer this money on the terms that the Board should elect A, B, or C. After the assurances given to day we are satisfied, that if these assurances had been given before, the idea of closing Rockelle would never have been entertained. At the same time it must be borne in mind that this is but a temporary proposal. You must increase the number of the pupils to at least 50, and unless that number be attained within the next twelve months, it is plain that Rockelle cannot go on. If it cannot go on, then the question is not what you are losing by the closing of Rockelle, for that is inevitable if the number of pupils do not increase, but what is the next best thing in the event of its having to be closed. Nobody wants to close it if it can be kept open, and it would be a great pity to lose it. If it cannot, the next best thing would be to pass the pupils to the boarding-house in connection with the High School. Cork is entitled to the first claim, and if we cannot have the school in country, the next best thing is that girls of the class attending Rockelle should have the benefit of the good education which they can undoubtedly get in the High School. The Archbishop has a very strong opinion that the best thing in any case, both for the High School and for Rockelle, would be to join both Schools in one. But I agree with those who think it would be a pity to close Rockelle if it could be avoided. I do hope that what has occurred here to day will convince everybody that the decision to close Rockelle was most unwillingly arrived at by the Governors. They had no means of getting money, and the conclusion they came to was one from which there was no escaping. I regret that no Scheme that could be framed by us could come to the rescue of Rockelle, within the period in which action must be taken in some direction. What we propose to do is this. We, as a Commission, have got a further lease of existence for twelve months more. We will refrain from publishing any draft Scheme for the amalgamation of these two Schools, because the very publication of it would amount to a judgment of death against Rockelle. We can, any time during next year, frame a Scheme, if it should become necessary. But I do not think our Scheme should be one providing for amalgamation in the future; we ought to wait until the amalgamation has been carried out, and we might then frame a draft Scheme which would put an end to what would then have become useless, two distinct governing bodies. The wisest course for us to take would be to see exactly what experience proves to be necessary, and you all know now, if you did not know it before, that under the Scheme, as it stands, it is the

duty of the Rochelle Trustees to remove their school, if they cannot carry it on without going into debt.

Venerable Archdeacon DRAKE.—What I have heard to day, in regard to money to be provided and a guarantee to be given, is the first intimation I have had on the subject. This matter was brought into the public Press in a very strong way, without any hint or reference to the Governors, and if the gentlemen who opened up the controversy had been well advised,

and had come to the Board with any tangible offer, it would be the best way of dealing with a difficult matter.

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857. Lord Justice FITZGERBON.—I hope you all agree that the best course to be pursued is that which I have stated. The worst way to come to an understanding upon any subject is to begin by writing to the newspapers.

The proceedings then terminated.

PUBLIC SITTING—MONDAY, OCTOBER 19, 1891.

Oct 19, 1891.

At the Courthouse, Wexford.

Present:—The Right Hon. Lord Justice FITZGERBON and the Right Hon. Mr. Justice O'BRIEN, Judicial Commissioners; and the Right Rev. GERALD MOLLOY, D.D., D.Sc., ANTHONY TRAILL, Esq., LL.D., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, M.A., was in attendance.

THE TATE SCHOOL, WEXFORD.

(OBJECTIONS AND AGREEMENTS).

Mr. Walely, instructed by Mr. Egan, appeared for the Trustees of the School; Mr. M. Barton, instructed by Mr. Charles Taylor, appeared for the Mayor, Aldermen, and Burgesses of the Borough of Wexford.

Lord Justice FITZGERBON made an introductory statement.

Mr. M. Barton.—I appear for the corporation in maintenance of their objection to the constitution of the Governing Body of the Tate School as proposed by the draft scheme, so far as it provides that two Representative Governors shall be elected by the Diocesan Council of the Church of Ireland. The corporation claims that the power of appointing these two Representative Governors should be vested in them, and not in the Diocesan Council, and that the corporation should from time to time elect two Protestant inhabitants of said town; the word "Protestant" to include all denominations of Christians exclusive of Roman Catholics. In order to see the ground of that objection, it is necessary to look at the will of William Tate. First comes the gift of £1,000 to the mayor, rector, sheriff, and churchwardens for the time being of the town of Wexford for the purpose of providing board—

"To be impartially distributed every Sabbath day immediately after Divine Service amongst the indigent housekeepers of the town of Wexford without any distinction of religion."

Then came the second gift to the same officials, the mayor, rector, sheriff, and churchwardens, of £1,000 to be distributed among his poor relations. Then in the codicil came the gift of £1,000 which was to be added to the poor relations' gift. And if there was any surplus it was to be given to swell the fund for the purpose of establishing a charity school. Then comes the important residuary gift, under which the present fund of £3,500 has been accumulated—

"The testator devised and bequeathed the residue of his property to the said mayor, rector, sheriff, and churchwardens of the town of Wexford for the time being, to be by them laid out in establishing and completing a charity school in the said town of Wexford, for the support of as many children as the school would admit of, such children to be approved by the mayor, rector, and other trustees before mentioned."

These official trustees are six in number. One half are corporate officers—namely, the mayor and two sheriffs; and the other half are the rector and the two churchwardens, who probably, but not necessarily, were Protestants.

858. Dr. TRAILL.—In 1794 would they not necessarily be Protestants?

Mr. Justice O'BRIEN.—No.

Mr. M. Barton.—They would probably be Protestants, but not necessarily. But the gift is not to them as Protestants, but as holding official positions. There are corporate officers.

859. Dr. TRAILL.—But the corporate officers were more necessarily churchmen than the churchwardens?

Mr. M. Barton.—That is so. But my contention is that the gift was to them *qua* their office, and not because they were Protestants.

860. Then, why is it not equally open to put in the parish priest?

Mr. M. Barton.—So it might be. But so far as the words of the will are concerned, from which we are to find out the intention of the founder, here was a gift to official persons, having successors, given to them, not on the ground of religion, but on the ground of certain offices which they then held, and which their successors would hold after them. Distinct from them the testator appointed

"His friend, Captain Arthur Murphy, to be a trustee, in conjunction with the said mayor, rector, sheriff, and churchwardens, of the money left for his poor relations, and for the foundation and establishment of the said charity school."

I gather that Captain Arthur Murphy was to be a trustee of the bread fund and of the £3,500, and not of the residuary legacy which comes after. But it does not concern me to argue that.

861. Lord Justice FITZGERBON.—The words of the will are clear—

"Whereas I have the highest opinion of the piety, justice, and integrity of my friend, Captain Arthur Murphy, my will and express desire is, and he is by me appointed one of the trustees in conjunction with the mayor, rector, sheriff, and churchwardens, for the time being, for the distribution of the legacy left my poor relations, and also for the sum or sums of money which I have and now bequeath towards the erection and completion of the charity school before mentioned."

862. Mr. M. Barton.—But does not that refer to the two gifts of £1,000 and £1,500, making together £3,500, which was to be for the poor relations, save so far as there might be a surplus available for the school.

Lord Justice FITZGERBON.—I think these words would cover all moneys given by the will for the charity school.

Monsieur MOLLOY.—I don't think that point would seriously affect you, Mr. Barton.

Mr. M. Barton.—I think not, for he was a private individual and had no successor.

Monsieur MOLLOY.—He was appointed as a personal friend of the testator.

Mr. M. Barton.—I think the testator thought it desirable to have a personal friend who probably had some knowledge of the objects of these legacies to his poor relations, associated with the other trustees. But

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these other trustees, as I have said, are one half corporate officials and another half churchmen.

863. Lord Justice FRYGIEVER.—The desirable property passed to them and to them only.

Mr. M. Barton.—By a charter of James I., dated January 10, 1608, the Corporation of Wexford was instituted, and consisted of the mayor, bailiffs, and free burgesses of the town of Wexford. It has been suggested that there were no sheriffs of Wexford. It is perfectly true that there were no officials called sheriffs; but from 1608 to 1840—and therefore at the date of Tate's will, a period of 232 years—these two bailiffs, as they are called in the charter, were part of the Corporation of Wexford. The charter defines their powers, and they include such powers as are now held by sheriffs. They were usually noblemen. The gentleman who filled the office of mayor one year filled the office of bailiff the next. The Marquis of Ely and several Protestant clergymen were at different times bailiffs of Wexford. The charter provides that these bailiffs and the mayor shall be elected annually. It "grants to the mayor, and bailiffs, and free burgesses power to appoint as many inferior officers as may be necessary for the good government of the town." The bailiffs are to have "execution and return of all writs and other processes." It was natural for Tate to speak of these bailiffs as sheriffs.

864. Lord Justice FRYGIEVER.—How do you apply this agreement—there is no doubt there were two superior bailiffs connected with the corporation?

Mr. M. Barton.—It has been urged that as sheriffs did not exist they must be eliminated altogether. I am endeavouring to show that though the bailiffs were not called by the name of sheriffs in the charter they were in fact sheriffs, and that it was natural that Tate should call them sheriffs. The first name on the list is that of the Marquis of Ely.

865. Dr. TRAILL.—Are there any members of that class on the Corporation of Wexford now?

Mr. M. Barton.—I am unable to say that there are any noblemen at present; but noblemen and esquires filled these offices, and there are plenty of the latter at present. The bailiffs by this charter were enabled to sit with the mayor, and the three constituted a court.

866. Lord Justice FRYGIEVER.—Your contention is that the fact that the bailiffs are given the return of all writs, &c., would justify us in holding that the word "sheriffs" in the will is the same as the word "bailiffs" in the charter?

Mr. M. Barton.—Yes, and that Tate had used a natural misnomer. We know that his intention was that three corporate officers should be in the body of six trustees under his will. That constitution of the corporation remained up to 1840, when the Municipal Corporations Act passed; and it enumerates in schedule B, amongst others—"the mayor, bailiffs, free burgesses and community of the town of Wexford." So that up to 1840 these two bailiffs existed. On that point I would draw attention to an information verified on oath, on November 4, 1856, by the then Rector of Wexford, the Rev. B. W. Elgar. In that information he says:—

"Previous to the passing of the statute 3 and 4 Victoria, chapter 109, in 1840, the persons for the time being who filled the office of bailiffs in the corporation were permitted by the mayor, rector, and churchwardens to attend the meetings of the trustees of the fund bequeathed for the charity school, inasmuch as the said bailiffs were considered to fill an office in said corporation analogous to that of sheriffs."

So that up to 1840, we have these bailiffs recognised as the sheriffs of Tate's will, and actually taking part in the management of this very trust.

867. Lord Justice FRYGIEVER.—They seem to have done nothing about this part of the trust. The report of 1854 states that the school had not yet been opened, on account of the disagreement of the trustees as to the construction of the will—a curious reason for not doing anything.

Mr. M. Barton.—It might have been very irregular. I at first thought they busied themselves only about the distribution of bread to the poor, but the information says—"for the founding and supporting of such charity school."

868. Dr. TRAILL.—They had a fight over it. Very likely the first thing they disagreed about was whether they had a right to be there at all or not.

Mr. M. Barton.—Very likely. I am taking this out of the surveyor's scrap, from an information by the rector, who wanted a scheme on certain lines. I will assume for a moment that the bailiffs were really in the mind of the testator when he said "sheriffs," and my submission is that whether that was a misnomer or not, one half of these trustees were to be corporate officers.

869. Dr. TRAILL.—You dwell on the official aspect, and leave out of view the fact that all these officials were Protestants. Do you think the founder had not that in his mind?

Mr. M. Barton.—He directed that the bread was "to be impartially distributed amongst the indigent housekeepers of the town of Wexford, without distinction of religion."

870. Dr. TRAILL.—That is only about the bread. But he leaves that qualification out when he is talking about the school?

Mr. M. Barton.—But I am trying now whether we can find out, 100 years after his death, of what mind he was—whether he was a liberal minded Protestant or not.

Mr. Justice O'BRIEN.—He was a *Jamesian* Protestant. He appears to have had an aversion to being buried in consecrated ground, for he directed his body to be buried at the north-west corner of a grass plot in front of his dwelling-house.

Mr. M. Barton.—He appears to have been a liberal minded man—for the bread is to be impartially distributed amongst "indigent housekeepers, without distinction of religion."

871. Dr. TRAILL.—Why do you think he did not add the parish priest?

Mr. M. Barton.—Because I consider he thought he was sufficiently liberal in the appointments he did make, without adding the parish priest.

Mr. Justice O'BRIEN.—There was no parish priest at all then.

872. Dr. TRAILL.—Was the Church of Rome out of the country at that time altogether? I thought the continuity was supposed to be kept up.

Mr. M. Barton.—I would put it that his Protestant instincts were sufficiently fulfilled when he appointed the rector and churchwardens. As the other three, he appointed three corporate officers. I want to contrast the will with the proposal of the draft scheme—the second paragraph which is headed "The Governing Body," provides that—

"From and after the date of this scheme a Governing Body shall be formed for the future government and management of the school and of the endowments. It shall consist of four ex-officio Governors with the Representative Governors and co-opted Governors elected, and appointed or nominated as hereinafter mentioned. The ex-officio Governors shall be the Incumbent, the Mayor of Wexford, and the two Churchwardens of the parish of Wexford, duly appointed in accordance with the constitution of the said church, all for the time being."

Of the four ex-officio Governors, three must be members of the Church of Ireland—the mayor may or may not be. It goes on to say:—"Two Representative Governors shall be elected by the Diocesan Council." They are necessarily members of the Church of Ireland. "And two Representative Governors may be elected by the subscribers to the funds of the school in manner hereinafter mentioned."

Dr. TRAILL.—And they may be anybody.
Mr. M. Barton.—No, for it says subsequently—"Every Representative and Co-opted Governor shall be a member of the said church"—that is of the Church of Ireland. We have four ex-officio Governors, all of whom must be members of the Church of

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Ireland, except the mayor, who may or may not be, and four Representative Governors, all of whom must be members of the Church of Ireland. In the 8th paragraph there is power given to co-opt three Governors, and the Co-opted Governors must be members of the Church of Ireland. Tate started with half and half—three corporate officials and three churchmen.

513. Dr. TRAILL.—The whole of them were churchmen.

Mr. M. Barton.—No; three were corporate officials.

514. They were all Protestants.

Mr. M. Barton.—Not necessarily; but under the draft scheme we have it whittled down to this—that the mayor is the only man who may or may not be a member of the Church of Ireland—he is the only possible non-member of the Church of Ireland who can be a Governor. Eight there must be—eleven if co-optation takes place there will be—out of those eleven, ten must be members of the Church of Ireland. That brings the matter very near to what is expressed in the 7th section of the Educational Endowments Act, 1885:—

"This Act shall not apply to any endowment applicable and provided exclusively for the benefit of persons of any particular religious denomination, and which is under the exclusive control of persons of that denomination."

515. No, because the objects of the charity may be anybody.

Mr. M. Barton.—The Mayor of Wexford may belong to any denomination.

Dr. TRAILL.—No; but the children may be of any denomination.

516. Lord Justice FRANKLIN.—To satisfy that subsection, the objects of the charity must be of one denomination, and all the members of the Governing Body must be of that denomination. In both the Charities schemes they were clear to one.

Mr. M. Barton.—I am aware of that fact, but the Commissioners have power, notwithstanding, to make any scheme—to do what seems good to them.

Lord Justice FRANKLIN.—We have not the power to make it, but we have the power to send it up to the Privy Council.

Mr. M. Barton.—You have power to draft it. I contend that when you are drafting the scheme you should look to the intention of the founder of the trust. I submit that it is a very great departure from the intentions of the testator.

517. Dr. TRAILL.—But your clients don't claim to get anybody except Protestants?

Mr. M. Barton.—No.

518. Mr. Justice O'BRIEN.—Your clients ask to have conferred on them the power of electing as Representative Governors, two persons being Protestants. Would you tell me why they put in that? I see nothing to cause them to limit it to Protestants; I fail to see it at all.

Dr. TRAILL.—They evidently thought it was a Protestant endowment.

Mr. M. Barton.—My instructions, on this point, are in accordance with the "Objections." As far as regards the will, Judge O'Brien's contention is unanswerable. But, as a matter of fact, it has been conducted on Protestant lines, and I am instructed that it is the desire of the bishop of the diocese that that should be continued. There is no evidence of any Roman Catholics attending the school.

519. Lord Justice FRANKLIN.—Where the boarding element comes in there is a great difficulty in having a mixed school. But, speaking for myself, whatever the Governing Body may be, the trust should be accompanied by a conscience clause.

Mr. Justice O'BRIEN.—Unless the object of the Commission be to impress on this a sectarian character not warranted by the will, I see no reason for it.

Mr. M. Barton.—There is no reason for it. But, it having been conducted on Protestant lines, the corpo-

ration have no desire to alter that. They have adopted that course in accordance with the express wish of the Catholic bishop. But they do say that, as a member of the Corporation, they have a right to be represented, because they represent Protestants who are not members of the Church of Ireland.

520. Dr. TRAILL.—Are there any Protestants on the corporation of any kind?

Mr. M. Barton.—Oh, yes.

521. Lord Justice FRANKLIN.—We had evidence that the mayor had been a Protestant a year or two before our inquiry, and, in 1880, there were some Presbyterians at the school.

Mr. M. Barton.—Mr. Timpane, a Protestant, was mayor three times, and Mr. Huggard, also a Protestant, was mayor; many of the councillors are Protestants.

522. Lord Justice FRANKLIN.—The Protestant mayor appears to have attended pretty constantly. I asked the archdeacon:—

"Does the mayor take part in the management of the charity?" The present mayor has not been with us, but we have had the mayor occasionally, but not often. I think last year we had the mayor but once. When Mr. Gore was mayor, before that he used to attend very constantly. [Q.]—I suppose the Mayors of Wexford have been of different religious denominations?—Yes. [Q.]—And is it when the mayor is a Catholic that he does not attend?—I don't know any reason why he does not, because we have always been on the best of terms."

The mayor does not appear to have attended unless when he was a Protestant.

Mr. M. Barton.—I can account for it, because if you have eleven members of the Governing Body and only one entitled to attend of a different denomination from the other ten, it would have the effect of keeping him away. The corporation are quite willing that the school should be continued on a Protestant school; but as the corporation had the right of representation under the will they think they are bound to maintain their rights and to hand these down undiminished to those who may succeed them, and therefore they insist that such a proportion of the representation on the Governing Body as they now claim should be conceded.

523. Dr. TRAILL.—They don't propose to put in three of their own body?

Mr. M. Barton.—Yes.

524. No. "The corporation accordingly claims that the power of appointing these two Representative Governors should be vested in them and not in the Diocesan Council, and that the corporation should from time to time elect two Protestant inhabitants of said town."

Lord Justice FRANKLIN.—In 1856 they appointed two of their body to be bailiffs, whether the office was sheriff or bailiff, it was abolished in 1840, and therefore the appointment could have no effect. But there is a finding of the Chancellor that there never was such an office as that of sheriff in the town of Wexford; and that there is no evidence that the persons filling the office of bailiffs ever acted as trustees under the will. So that the question seems to have been debated long ago.

525. Monsignor MOLLON.—I understand from the printed objections that the corporation urge their claim on the ground that they are specially concerned with the town, and therefore wish to be represented on this board which is intended to promote education in the town, whereas the interests of the Diocesan Council are spread over the county?

Mr. M. Barton.—Quite so; and there is the point of view.

Monsignor MOLLON.—The claim of the corporation is that they should have two representatives on the board.

526. Mr. M. Barton.—Suppose that in the disestablishment of the Church all churchwardens were abolished, and that there had been previously a

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charitable gift to the rector and churchwardens, would anybody contend that there should not be two representatives to fill the position of trustees—that because churchwardens no longer existed the Church that had three trustees was only to be given one—that because an Act of Parliament had abolished churchwardens no one should be elected to fill the position which they had filled?

Dr TRAILL.—The Church Act abolished the rector at the same time in the same way as the churchwardens.

887. Mr. M. BARTON.—But if a gift was made 100 years ago to the rector and churchwardens, and the Church Act abolished churchwardens, could anyone contend that the rector was to work single-handed?

Dr TRAILL.—You are assuming what is not the fact, because it abolished the rector as well as the churchwardens.

Mr. M. BARTON.—I am assuming an Act of Parliament abolishing the churchwardens. Because that was done by an Act of Parliament, it would be a strong thing to urge that because the corporate officers have ceased to exist the corporation should no longer be represented.

888. Dr TRAILL.—You don't propose to put back the corporate officers?

Mr. M. BARTON.—No. But I propose that the corporation should appoint two members of the Governing Body, as they formerly appointed the two bailiffs.

Mr. Justice O'BRIEN.—No. They were elected.

Mr. M. BARTON.—They were elected at the same time as the mayor and other members by the burgesses. I say that the Governing Body ought to have two representatives of the corporation on it.

889. Dr TRAILL.—Have not you given up the whole point when you give up the point that the corporation elected these bailiffs? These bailiffs were elected by the burgesses themselves. If that be so, and if they are to be Protestants, why not let the Protestants elect the men?

Mr. M. BARTON.—As a matter of convenience it would be much better that the mayor and corporation should elect than that there should be a separate and distinct polling of the burgesses.

890. Dr TRAILL.—Don't you think it would be a curious thing for a mixed body—Roman Catholics and Protestants—to be electing two Protestants?

Monsieur MOLLAY.—It is a mixed body that elects the members for the division.

Dr TRAILL.—They don't elect two Protestants.

Mr. M. BARTON.—Dr. Traill is mixing up two things.

891. Lord Justice FRYGTHORPE.—We have had strong evidence of the objection of the Roman Catholics—the ecclesiastical authorities in particular, to any school under a mixed governing body, and if this school were opened under a mixed governing body, it would be in all probability repugnant to the Roman Catholic ideas. It would not make the school acceptable to them, it would do them no good, while it would be damaging to the school in Protestant eyes.

Mr. Justice O'BRIEN.—That is no reason why it should be made exclusive. You may bring the beer to the water and it may not drink; but that is no reason why the stream should not flow still.

892. Lord Justice FRYGTHORPE.—The corporation claim to represent the inhabitants in the election of two Governors of this school, and they further say that these should be Protestants?

Mr. M. BARTON.—Quite so.

893. Lord Justice FRYGTHORPE.—The testator intended that the children of Wexford generally should benefit by the charity. No preference is given to the town.

Mr. WOODS.—There is in the 21st paragraph of the scheme a provision that "in every election a preference shall be given, in the first instance, to the claims of candidates belonging to the parish of Wexford."

Mr. M. BARTON.—I pass to the second objection to the drafts scheme. The corporation submit that paragraph 20 relating to the qualifications of free boarding pupils should be amended. It provides that "every candidate for admission as a free boarding pupil admitted shall be qualified as follows:—

"(a.) He shall be the lawful child of parents residing in the diocese of Ferns, and shall be in circumstances to send the children to be educated in the school. (b.) He shall be of good character and conduct, and physically and intellectually fitted to take full advantage of the education given in the school. (c.) He shall, upon the day of election, be not less than nine nor more than thirteen years of age, unless in any case of exceptional urgency or necessity, when a candidate not less than eight or more than fourteen years of age may be admitted by special resolution of the Governors."

The corporation submit that this should be amended in this way:—

"First.—That the lawful children of parents resident in the town of Wexford shall have a perpetual right of admission. Second.—Falling such, those resident within a radius of ten miles of said town. Third.—Falling such, those resident in the county of Wexford. Fourth.—The qualifying residence to be for a period of, at least, six months previous to the said election."

As the scheme stands at present the children entitled to admission are "the lawful children of parents residing in the diocese of Ferns."

894. Dr TRAILL.—But paragraph 21 says:—

"In every election a preference shall be given in the first instance to the claims of candidates belonging to the parish of Wexford."

895. Lord Justice FRYGTHORPE.—What do you mean by "a perpetual right of admission?"

Mr. M. BARTON.—That so long as there are eligible candidates from the town of Wexford they should be admitted to fill existing vacancies.

896. Monsieur MOLLAY.—Would your lordship admit that the candidates should be in a condition to need free education and should be capable of profiting by the school?

Mr. M. BARTON.—There would be no objection to that. I would first submit that the area is too wide. The diocese of Ferns extends into the counties of Carlow and Wicklow as well as Wexford.

897. You propose the county of Wexford instead of the diocese of Ferns?

Mr. M. BARTON.—I do. By the 13th section of the Act of Parliament it is provided:—

"That where the founder of any educational endowment has expressly provided for the education of children belonging to the poorer classes, either generally or of a particular class or within a particular area, or otherwise for their benefit, such endowment for such education, or otherwise for their benefit, shall continue, so far as requisite, to be applied for the benefit of such children."

We think it is going too far to extend it to the whole of the diocese of Ferns.

Dr TRAILL.—The founder did not say it was to be limited to the town of Wexford. He said that the school is to be "for the support of as many children as the school would admit of, such children to be approved by the mayor, rector and other trustees."

Professor DOUGHERTY.—Considering that all the trustees were in the town of Wexford the inference is that the school was intended for the town of Wexford.

Lord Justice FRYGTHORPE.—The indigent housekeepers were to be of the town of Wexford.

Mr. M. BARTON.—He says the money is to be laid out in establishing and completing a charity school "in the town of Wexford."

Mr. Justice O'BRIEN.—It was not supposed that charity children would walk from any part of the Diocese of Ferns.

Dr. TRAILL.—The boarding school would meet that. He says "for the support of" the children. I would say that that was wide enough to include the Diocese of Ferns.

Mr. M. Barton.—I say that a boarding school was never contemplated.

898. Mr. Justice O'BRIEN.—Is there any mention of a boarding school in the will?

Mr. M. Barton.—Not a word.

Mr. Justice O'BRIEN.—Any one reading it, not a lawyer or Assistant Commissioner, would see that it was intended for the education of the children of the poor, and not for a boarding school.

Mr. M. Barton.—The boarding school is a creation of the Chancery scheme.

899. Lord Justice FITZGERALD.—He meant to provide a building for the purpose of a school. He had not money enough to carry it on. He says his money is to be expended "in laying the foundation, erecting and completing of a charity school in the said town of Wexford, and to support as many children as the same will admit of, such children to be approved of by the mayor, rector, and other trustees beforementioned." He put into his will all he wanted. The Court of Chancery said it was to be both a boarding school and a day school, but you have good ground for saying that it was a school intended for the children of Wexford.

Mr. M. Barton.—There would have been no Chancery proceedings if the will had been plain. I submit that the Diocese of Ferns is too wide an area, and that it should be confined in some way to the town of Wexford—that the lawful children of parents resident in the town of Wexford should have "a perpetual right of admission," and that failing such—if there were say ten vacancies and only eight eligible Wexford children—you should then go outside the town to get the other two. You must first exhaust the eligible children in the town of Wexford.

900. Lord Justice FITZGERALD.—In considering eligibility you ought to have regard to two matters. The first is, want of means. The second is, capacity, and sufficient previous primary education to enable the candidate to take advantage of something better. We don't want to cut this down to a primary school.

Mr. M. Barton.—Quite so. There should also be some qualifying time of residence—it should not be available to a person arriving by the train to-day and taking a house in the town. We say six months. Six months is short enough certainly. The third objection relates to the examination of candidates. I submit that it is undesirable that the principal teacher should conduct the examination. I submit that it would be more desirable that an impartial person should be the examiner.

901. Lord Justice FITZGERALD.—We have found in many instances that it was desirable to prevent Governors from electing children that are not suitable. No one knows better than the teacher who is afterwards to instruct the children whether they are fitted to take advantage of the education offered.

Monsieur MEYER.—But it appears to be the apprehension of the corporation that he would elect only the eleven boys.

Mr. M. Barton.—Quite so—prime boys.

Professor DOUGHERTY.—There is no use in selecting stupid boys.

Lord Justice FITZGERALD.—It is not desirable that a boy should be put in who is not capable of taking advantage of an advanced education of this sort. If a boy is put in before he has got his primary education the time necessarily spent on him by the teacher is lost to his other duties, and damages the school.

Mr. M. Barton.—There should be education already obtained, and there should be capacity for future education; but I think it would be desirable that the

examiner should not be the teacher, but possibly a National schoolmaster from some other part of the county of Wexford. A master living and having friends and acquaintances in the town may have influence brought to bear on him. He is to make a report to the Governors. Upon that report the Governors will act; and, therefore, it is practically making the teacher the doctor.

902. Lord Justice FITZGERALD.—He could not put a boy in or out, for the examination is only one condition; and if the teacher wanted to keep out any particular boy, the Governor who wanted to get in that boy would keep an eye on him. Our object was to check suspicious patronage by the Governors. But I see the difficulty you refer to.

Mr. M. Barton.—If the teacher wanted to get in A. B., then C. D. would have no chance. I think that would be sufficiently met if you had a man from Enniscorthy or Gorey to conduct the examination of the candidates for admission.

Dr. TRAILL.—That would involve expense.

Mr. M. Barton.—The expense would be very slight. A griffin and the railway fare would cover it. On the fourth objection—as to chairmanship—the corporation submits that—

"Inasmuch as a mayor is the first person mentioned throughout the will and codicil, he, if present, should be entitled to fill the position of chairman at meetings of the Governing Body; and that the 25th paragraph of the draft scheme should be amended accordingly, and thus made more in accordance with the spirit of the will and codicil."

It is provided that the chairman should have a second vote. A second vote in a small body is sometimes of very great importance.

Dr. TRAILL.—The Chancery scheme is responsible for this.

Mr. M. Barton.—As to the Chancery scheme, you may follow it as much or as little as you like. Paragraph 25 of the draft scheme provides that—

"So long as the Venerable John Charles Archdeacon shall hold the office of Archdeacon of Ferns he shall be chairman. In his absence, or after he shall have ceased to hold the office of archdeacon, the incumbent shall be the chairman. In the absence of the said archdeacon and of the incumbent, the Mayor of Wexford shall be the chairman."

The Archdeacon of Ferns is an incumbent as well as archdeacon, and it might be desirable that he should not have two votes, when there would be a competition between children of different parishes.

903. Dr. TRAILL.—If you limit it to the town of Wexford there can be no difficulty about that.

Mr. M. Barton.—In the first instance we propose to limit it to the town of Wexford; but, failing such, you might have the children of various parishes competing.

904. Only if the town of Wexford is not able to fill up the number of vacant places. Therefore, it is impossible that the rector of the parish should be in the position you indicate.

Mr. M. Barton.—At all events he would, possibly, favour the nominee of another clergyman, and, if you have the Mayor of Wexford in the chair, you would have an impartial man—not a clergyman at all.

Dr. TRAILL.—Gallie would "care for none of these things."

Mr. M. Barton.—I don't attach much importance to the Mayor of Wexford's name occurring first, because some names must be first in all documents, except a round robin.

905. Mr. Justice O'BRIEN.—Is there a body in the world in which the order of the names is not supposed to give prominence?

Mr. M. Barton.—No doubt, that is very commonly the case. In the will and codicil, consistently throughout, the mayor is mentioned first. This scheme contemplates, in certain cases, the mayor being chairman, and therefore it cannot be said that he is not competent. The only question is whether he should walk in before the other persons.

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905. **Messrs. MOLLOY.**—There is, however, this consideration, that this body will be, in the main, a Protestant body. Generally speaking, the mayor would be a Catholic, and is it desirable that a Catholic Mayor should be ex-officio chairman of a Protestant body?

Mr. M. Barton.—I don't see anything in that. He might be the more impartial. The idea of a clergyman favouring one more than another, might come into it in a way which would not happen if you had a Catholic mayor in the chair.

Mr. Justice O'BRIEN.—The 74th Section of the Municipal Reform Act provides:—

"That the mayor, for the time being, of every borough shall be a Justice of the Peace of and for said borough, and said mayor shall, during his mayoralty, have precedence in all places within the borough."

906. **Lord Justice FITZGERALD.**—What was done in Wexford under the Corporation Act?

Mr. M. Barton.—The corporation was dissolved and a new corporation was founded by a Charter of July 25, 1849.

"Declaring that the inhabitants of the borough of Wexford shall be for ever one body corporate, and shall be called the mayor, aldermen, and burgesses of the borough."

The mayor is the first person mentioned consistently throughout this will. There seems to be no reason why he should not be chairman. He is to be chairman in the absence of certain persons; but what reason is there for giving those persons pre-eminence?

Dr. TRAILL.—The Chancery scheme did not make the mayor chairman, but the Archbishop of Ferns.

Mr. M. Barton.—If we are to go by the Chancery scheme there is no use in any of us being here at all.

Dr. TRAILL.—I don't attach the least importance to the matter. The mayor may be chairman so far as I am concerned, if he is to be there at all.

Mr. Justice O'BRIEN.—The Archbishop of Ferns appears to have been brought in in the most unwarrantable manner.

Mr. M. Barton.—It was the Chancery scheme that brought him in.

Mr. Justice O'BRIEN.—Every Chancery scheme in this country for a very long time is subject to the same observation.

Mr. M. Barton.—Only one other matter. The 40th paragraph provides that—

"This scheme may be altered from time to time by the Commissioners of Charitable Donations and Bequests for Ireland, upon the application of the Governors, or of the Diocesan Council."

It is quite right that the Governors should have the right to make the application. But we think it unnecessary to give the same power to this Diocesan Council.

907A. **Lord Justice FITZGERALD.**—The difficulty is that we must insert some provision for the alteration of the scheme through the Commissioners of Charitable Donations and Bequests. At first the contention of the Commissioners was that we must leave it open to any and every person interested to apply to them for alterations. That question was argued before the Privy Council, and we pointed out that the effect would be to leave every charity liable to applications for the alteration of its scheme, and no one would voluntarily accept a scheme with such a legacy of destruction as that. The Privy Council decided that our construction was right—that we had the power to name those who should have the right to make application, but that we ought, in every case, to have some independent body with power to apply in case the Governors did not. Therefore, in this case we gave the power to the Diocesan Council. The difficulty of putting in the Corporation is that even if they have the limited power of electing two Governors the

changes they would be likely to suggest would go to the root of the whole scheme. They would have no interest in changes limited to the practical working of the scheme. You have no idea of the apprehension that exists of future interference. Our desire is that one scheme should be made as final as possible, and that as few people as possible should have the right to interfere.

Dr. TRAILL.—The Diocesan Council would be in general harmony with the scheme, and would have the right to apply to the Commissioners of Charitable Donations and Bequests, not for the purpose of interfering with the scheme, but because they are a body who, if the Governors did not do their duty, would be disposed to pull them up.

908. **Professor DOUGHERTY.**—You don't propose to add the Corporation?

Mr. M. Barton.—That is the suggestion.

Dr. TRAILL.—But that body would not be in harmony with the scheme. Better to leave it in the hands of the Diocesan Council. If it were left to the Governors they might never apply.

Mr. M. Barton.—They would never seek to reform themselves.

909. **Professor DOUGHERTY.**—How would it do to make it on the joint application of the corporation and the Diocesan Council?

Mr. M. Barton.—That, I think, would do very well.

Mr. Walsely.—They would never agree on the same point.

Dr. TRAILL.—That is connected with the proposal that the corporation should be represented. Of course, if only the mayor is to be on the Board of Governors, the corporation would have no claim whatever.

Mr. M. Barton.—Another way would be "The Diocesan Council or the corporation."

910. **Lord Justice FITZGERALD.**—It must be a party interested; we may define who the party interested may be. But it was very strongly thrown out by the Lord Chancellor that we should never have a governing body unalterably by any outside authority.

Mr. M. Barton.—The governing body would be the last people in the world to reform themselves. But a Diocesan Council has no status at all. It should be a "party interested," and the Diocesan Council "is not a party interested."

Dr. TRAILL.—They are to elect two representative governors, and therefore they are "a party interested."

911. **Lord Justice FITZGERALD.**—The 37th section of the Act provides that:—

"It shall be lawful for the Lord Lieutenant, or for the Commissioners of Charitable Donations and Bequests for Ireland, upon the application of the town council governing body of any town, directly affected by such scheme or provisional order, or of any ratepayers (not less than twenty) of any poor law union, or place directly affected thereby, or of any person, or persons, having a vested interest in the said order, or any part of it, or upon the report of any inspector appointed under the Act"

To enforce the scheme. Could you limit this power of applying for decision to a certain number of ratepayers, "being Protestants," alone or jointly with "the corporation."

Dr. TRAILL.—We have never framed a scheme yet in which anybody was put in under that clause. It would be impossible to get a body who are so totally different from the governing body of this institution, as the corporation.

912. **Mr. M. Barton.**—Why do you say so?

Dr. TRAILL.—As a whole, the corporation is a Roman Catholic body. Nobody need shut his eyes to facts that are before him. It would, therefore, be a body that might be perfectly hostile to the school and to the Governors, and they might apply to the Charitable Bequest Commissioners to alter this school fundamentally.

Mr. M. Barton.—But there is the peril of making such a demand.

Dr. TRAILL.—There would be no costs to put them in peril.

Lord Justice FITZGIBBON.—When the litigation went on before, every party concerned, even those who failed, got their costs out of the funds; and £370 was spent in costs.

Dr. TRAILL.—In the case of another endowment we had to deal with, the costs were £350. There is only £3 left there now.

Mr. M. Barton.—Matters were very unsettled then. But after the solemn settlement of this Commission, any body who would attempt to unsettle it, would do it at their peril.

913. Lord Justice FITZGIBBON.—I suppose the corporation would be satisfied if the Diocesan Council was put out, without being put in themselves?

Mr. M. Barton.—But there should be an outside authority.

914. Dr. TRAILL.—But it should be a Protestant authority, if it is to be a Protestant school; and it must be a Protestant school, if it is to be in accordance with the will of the founder. You see the results of former litigation.

915. Mr. Justice O'BRIEN.—Would it satisfy you if it were put in that the application should be sanctioned by the Attorney-General, as he is a public officer?

916. Dr. TRAILL.—Could not he do that in spite of the scheme?

Lord Justice FITZGIBBON.—No. He could only interfere if there was any abuse of the scheme. The Charity Commissioners could do that of themselves. To alter the scheme is another matter.

Dr. TRAILL.—The Attorney-General would be only a politician who comes in and goes out with his party.

Mr. Walsely.—I appear on behalf of the trustees. They approve of the scheme. They think that, while carrying out the wishes of the testator, it will make the best use of the funds. The first objection of the corporation is—that instead of the Diocesan Council electing two trustees, the corporation are to have power of electing two, out of the Protestants in Wexford. My clients think the power being given to the Diocesan Council is the best. The testator intended that this should really be more of a Protestant.—I should say, almost an exclusively Protestant institution, for Master Litten in his report, recites that the mayor, rector, and churchwardens, were then the only trustees; and, the corporation being represented before him, he finds that there never was such an office as that of sheriff in the town of Wexford; and that no evidence was laid before him that the persons filling the office of bailiffs ever acted as trustees; he finds that this, the testator, was a member of the Church of England.

917. Mr. Justice O'BRIEN.—How the Master in Chancery any authority to adjudicate on the religion of a man that was dead a hundred years before?

Mr. Walsely.—I think so.

Mr. Justice O'BRIEN.—There is a finding of a very eminent man, Sir Robert Peel, in reference to Master Litten.

Mr. Walsely.—At any rate the appointment of trustees was referred to him; and it is generally considered that where a testator is of a particular religion the trustees should be of the same, and you are to take into account what has been the usage of the charity. The usage here is very much in favour of our contention. Master Litten found that there was no evidence that the persons spoken of as sheriffs had ever acted as trustees.

918. Mr. Justice O'BRIEN.—The finding of Master Litten was that there was no such person as a sheriff of the town of Wexford at the time of the will. Evidence was given as to bailiffs having acted; but that left entirely untouched the question whether the persons mentioned in the will as sheriffs were the bailiffs. The contention of the corporation is that they must have been.

Mr. Walsely.—But the bailiffs must have been Protestants.

Dr. TRAILL.—Not only so, but members of the Church of Ireland.

Mr. Justice O'BRIEN.—I think Dr. Trill is wrong in that statement. I rather think that the disability applied only to Roman Catholics.

Dr. TRAILL.—Settle that among yourselves. That is my impression.

Mr. Walsely.—As far as the Catholics getting into the body of trustees is concerned, the testator appointed the mayor, rector, churchwardens, and sheriffs. I submit that all these must have been Protestants. If the churchwardens were not necessarily to be Protestants, they were elected by Protestants, and they were elected for religious purposes.

Lord Justice FITZGIBBON.—You are not quite accurate. The churchwardens were parish officers with public duties, and it was sometimes made a grievance that Roman Catholics were forced to act.

Mr. Walsely.—The two sheriffs being members of the corporation must also have been Protestants.

919. Mr. Justice O'BRIEN.—But the contention is that they were appointed, in reference, not to their religion, but to their official character?

Mr. Walsely.—Which official character required them to be Protestants. They got an actual gain in the Chancery scheme by allowing the mayor in as a Governor.

920. Mr. Justice O'BRIEN.—There was a time when a Roman Catholic could not be a member of the Bar. If a person had referred to a member of the Bar in the 18th century, would you contend that a member of the Bar now to be appointed must be a Protestant?

Mr. Walsely.—If it was a Protestant charity I would say "yes," but if it was merely a personal matter I don't think it would be necessary that he should be a Protestant. You should have regard to the religion of the testator, I submit, in considering this matter. Master Litten's judgment says:—

"But if he had intended that the same principle should pervade the administration of the fund for education as provided that for the indigent poor, why did he not apply the same, or like, phraseology to it? He has not done so. He was himself a Church of England man, and he names as his trustees persons holding offices more distinctly connected with the Church than any person except the bishop."

921. Mr. Justice O'BRIEN.—If he had referred to the will it would have been more to the point. I see the trace of the times in all these schemes that have been made by Chancery.

Mr. Walsely.—I think the phraseology of the will, as to the indigent widows that they were to be relieved "without any distinction of religion," shows that it was not his intention that the fund for the school should be applied in the same way. If he was a Catholic he would not, if he had not intended it to be a Protestant school, have used the words "children to be approved by the mayor, rector, and other trustees before mentioned."

922. Mr. Justice O'BRIEN.—I would rather be inclined to say that you are right in that. But on the face of his will there is nothing to show that he was a Protestant any more than there is to show that he was a book living in Jamaica.

Lord Justice FITZGIBBON.—It is not the will of an irreligious man. It opens with a pious expression at the beginning that is very often used by Protestants, but not by Roman Catholics.

Mr. Walsely.—Then there is the direction that the bread to the indigent poor is to be distributed "immediately after divine service."

Dr. TRAILL.—It says "every Sabbath day," and I think that shows he was a Protestant.

Mr. Walsely.—Since 1881 the mayor has only attended five meetings. Mr. Greene, who was referred to by Lord Justice FitzGibbon, was a Roman Catholic. Lord Justice FitzGibbon thought he was a Protestant.

187, 18, 1861. Lord Justice FitzGibbon.—Yes, I was under that impression.

Mr. Wakely.—He was a Catholic. There was evidence at the preliminary inquiry that no Catholic pupil had ever been received into the school.

923. Mr. Justice O'Brien.—Had never been received, as a fact?

Mr. Wakely.—I think not.

924. Mr. Justice O'Brien.—Even before this objection to mixed schools?

Mr. Wakely.—No.

925. Monsignor Mollay.—Not even as a day pupil?

Mr. Wakely.—No; they have good schools here for Roman Catholic scholars—St. Patrick's and the Christian Brothers' schools.

926. Monsignor Mollay.—I understand that the corporation was influenced by the consideration that the Catholic Bishop of Ferns had intimated his desire that the school should still remain a Protestant school.

Mr. M. Barton.—Quin so; and in deference to that they wish that masters should remain as they were.

Mr. Justice O'Brien.—That might influence the corporation, but that is no reason why it should influence the Commissioners.

927. Dr. Traill.—I don't know whether the bishop would like that Protestants should be put on the governing body of a Roman Catholic School?

Mr. Wakely.—The Governing Body already has one of their principal men on it.

928. Professor Doughty.—Would you have any objection to coin the words—"Every Representative and Co-opted Governor shall be a member of the said church"?

Mr. Wakely.—Yes.

929. Professor Doughty.—If there was a Protestant boy of some other denomination in the town of Wexford why should the Diocesan Council be unable to elect him?

Dr. Traill.—If the argument of Professor Doughty were to hold, it would admit a Roman Catholic as well—

Lord Justice FitzGibbon.—I see in the Census for 1881 that in Wexford 451 are returned as Protestant Episcopalians, 28 Presbyterians, 79 Methodists, and all other denominations 43, so that other Protestant denominations are 1 to 4 as compared with the Episcopalians.

930. Mr. Justice O'Brien.—There is another view that has not occurred to you, nor to Mr. Barton, that is to designate certain persons to be Governors. It appears to me that that might be a way out of the difficulty?

Mr. Wakely.—If they are to be Protestants—I think the best body to choose them is the chief Protestant Governing Body in the county.

Professor Doughty.—The effect of this clause is to restrict the choice.

Dr. Traill.—If you prefer to remove the restriction off the Co-opted Governors I don't object.

Lord Justice FitzGibbon.—Should that restriction apply to Governors elected by shareholders. The smallest proportion of dissenting people is among the smaller Protestant denominations—150 in this town as against 650 is a very substantial number.

Mr. M. Barton.—I am informed that the Methodists are now 110 to 120.

Lord Justice FitzGibbon.—If the Methodists had a fair number of pupils in the school, and were subscribers, they could not, with the present restriction, elect a Governor of their own body.

Mr. Wakely.—I admit that in altering that you would be going outside the intentions of the testator.

Lord Justice FitzGibbon.—Except through the Test Act there was nothing at any time to prevent Protestants of any denomination from holding office. It was different with Roman Catholics.

931. Dr. Traill.—Suppose you left out the words "Co-opted Governors"?

932. Professor Doughty.—And do you wish to leave in words that will put it out of the power of the Diocesan Council to elect any one who is not a member of the Church of Ireland, even if they wish to do so?

Mr. M. Barton.—If you take away that restriction the Presbyterian element would be admissible.

933. Lord Justice FitzGibbon.—Mr. Wakely, have you any suggestion to make, in order to meet Mr. Barton's difficulty, and admit other denominations of Protestants?

Mr. Wakely.—I am instructed that my clients want to leave the scheme as it is.

934. What do you say about qualifications of the boarders?

Mr. Wakely.—We say it is more sensible as it is, namely, that free boarding pupils should be the lawful children of parents "residing in the diocese of Ferns." There is in the 21st clause a provision that "in every election a preference shall be given, in the first instance, to the claims of candidates belonging to the parish of Wexford." That carries out exactly what Mr. Barton put forward, but in a more distinct manner. There is an alteration that we would desire to make. The diocese of Ferns does not include the whole of the county of Wexford, but it includes small portions of Carlow and Wicklow. I would propose "that part of the diocese of Ferns in the county of Wexford."

935. We had better say the county of Wexford at once.

Mr. Wakely.—But retaining the first, second, and fourth clauses, and the saving clause, giving to pupils of parents resident in the town of Wexford a perpetual right of admission, and filling such those residents within a radius of ten miles. The parish of Wexford includes all the town of Wexford, and goes three or four miles out of it.

936. It ought to be more definitely expressed. You should first see how many eligible candidates there are in the town of Wexford.

Mr. Wakely.—All the testator says is "for the support of as many children as the school would admit of." He does not confine it to the town of Wexford.

937. He manifestly meant the school for Wexford children, and he mentions the parish of Wexford.

Monsignor Mollay.—All candidates from Wexford duly qualified should be admitted. But we should define what qualification would be necessary.

Rev. Mr. Latham.—I think it of the greatest importance that there should be power to elect all dissenting boys from the parish of Wexford. The parish of Wexford extends about five miles out, and it is important that the poor boys of the whole of the parish should be eligible. The parish now includes the parish of Rathspick. The phrase used should be "the parish of Wexford and Rathspick."

938. Monsignor Mollay.—Would it do to take a radius of five miles round Wexford?

Rev. Mr. Latham.—A radius of five miles would do.

939. Mr. Justice O'Brien.—Would it be better to say "parish of Wexford"?

Rev. Mr. Latham.—The parish of Wexford would cover the whole town.

Mr. E. W. Elgar.—The united parishes of Wexford and Rathspick.

940. Lord Justice FitzGibbon.—Is it a union of two parishes?

Rev. Mr. Latham.—It is a union of sixteen old parishes. It is called generally the Union of St. Patrick's, Wexford.

941. Lord Justice FitzGibbon.—The rector wants all his parishioners to be included.

Mr. Wakely.—It would be the united parishes of Wexford and Rathspick.

942. Lord Justice FitzGibbon.—You don't want any person excluded who is in the parish of which the Rector of Wexford is rector?

Mr. Walsely.—As to the examination of candidates, as I understand, the objection of the corporation is that there should not be a competitive examination.

The scheme expressly says that—

"The examination shall be directed to ascertain the education already received by the candidates, and their capacity for further instruction"; and that—"The examination shall not be regarded as competitive; but the results thereof may be taken into account by the governors, with the other circumstances of each candidate in selecting the pupils to be admitted."

Supposing one boy was better than another, but the parents of the latter were poorer, there is nothing to prevent the governors from electing the poorer boy.

Mr. Barton.—My proposition is that the examination should be conducted by somebody unconnected with the school.

Mr. Walsely.—It would be very difficult to get anybody who would be perfectly impartial.

Mr. Justice O'BRIEN.—There are many cases in which the pupils are admitted by the votes of the governors.

943. Lord Justice FRYGROUSE.—We had one case where the school was nearly destroyed by that. At the Bally school, Magdonagh, a first class teacher complained that his school was injured by the nomination of a class of boys, who were really proper subjects only for the National school. They were, not merely in dress and manners, but in education, not fitted for that class of school. Every boy must be examined in elementary education to pass the fifth standard of the National Board. The reason is that unless a boy is in the fifth standard before he reaches thirteen years of age he cannot qualify for the Intermediate Examinations. You all agree that there should be these three qualifications—poverty, capacity, and sufficient previous education?

Rev. Mr. Latham.—When you have not compulsory education in this country you would find destitute boys come up to the fifth standard.

Lord Justice FRYGROUSE.—But with the facilities there are now for primary education they ought to do so, otherwise they should not come into this school.

Rev. Mr. Latham.—The present standard is if he can read and write, and knows his multiplication table.

944. Monsignor MOLLON.—Would it not be better for such a pupil to remain in a National school for another year?

Rev. Mr. Latham.—But if he is a very destitute boy.

945. Lord Justice FRYGROUSE.—What do you say, archdeacon, about admitting poor boys who have not got any education or are backward?

Archdeacon AROLDALL.—I think they would injure the school.

Lord Justice FRYGROUSE.—The standard for a boy of nine would be different from that for a boy of fourteen.

946. Monsignor MOLLON.—There is no danger of not having a sufficient supply of boys for the school?

Rev. Mr. Latham.—No danger at present; but the fifth standard is very high.

Dr. TRAILL.—The fifth standard is not mentioned here.

Mr. Walsely.—As to the chairmanship question. In 1886 the Archdeacon of Ferns was appointed chairman.

947. Lord Justice FRYGROUSE.—Was he chairman in the first scheme as well as the second?

Mr. Walsely.—He was. You make him chairman while he remains Archdeacon of Ferns; and in his absence or when he ceases to be Archdeacon of Ferns, it is to be the Incumbent of Wexford who is to be chairman.

Lord Justice FRYGROUSE.—That was done on the archdeacon's suggestion.

Mr. Walsely.—It should be understood that after he

ceases to be the Archdeacon of Ferns, the chairman is to be the Rector of Wexford.

Dr. TRAILL.—That is in the scheme.

Mr. Walsely.—I submit that the mayor should not be. Which of those gentlemen is the most likely to attend? If you go to the minutes you will find that from 1881 up to the present time, the mayor has only attended five meetings; I understood Mr. Barton's argument to be that the mayor having been usually a Catholic, did not like to come. But during Mr. Greene's mayoralty—and he was a Catholic—he attended regularly. Since 1881 the incumbents and the archdeacon have attended many more meetings than the mayor; and that is a very good indication as to who takes the greater interest in the school, and, therefore, of who ought to be the chairman. They were concerned in the matter. Their appearance here now is an afterthought.

Dr. TRAILL.—You may take it that whether we put in the mayor as a Governor or not, he will not be the chairman.

Mr. Justice O'BRIEN.—We must either turn out the mayor altogether, or we must make him chairman. He could not be expected to attend if he was not chairman.

Mr. Walsely.—The mayor up to 1881 was very frequently there.

Dr. TRAILL.—And he could not be chairman.

Mr. Walsely.—We submit also that the institution being—on the corporation's own contention, a Protestant institution—

Mr. Justice O'BRIEN.—No—but on their concession.

Mr. Walsely.—I don't know about its being a concession. At any rate, I submit that it is a Protestant institution, and therefore they take up the true legal position. At any rate they do take up the position that it is to remain a Protestant institution. Therefore I submit that the best person to be chairman is a member of the Church of Ireland. As to the right to apply for an alteration of the scheme, I understand that the Privy Council decided that the Educational Commissioners are not bound to appoint everybody who may have an interest in the scheme, but that they should appoint some one body, outside the Governors themselves. We submit that the Diocesan Council are the proper body to be so appointed. They are the chief Protestant body in the county; and they are the persons who would best exercise the jurisdiction and best keep the Governors in order. When there is to be an alteration in the scheme would not the Council, from whose body so many of the trustees are to be taken, be the persons to find out most quickly the deficiencies of the scheme?

948. Lord Justice FRYGROUSE.—It is in the evidence that this scheme of 1879, that was away with so much money, and is so much found fault with, was started on the motion of gentlemen who would be eligible for election on the Diocesan Council.

Mr. Walsely.—One of them was a shoemaker. I don't know that he would be likely to be elected on the Diocesan Council.

Dr. TRAILL.—You must leave the initiative in such a matter to a large body, and not to individuals.

949. Lord Justice FRYGROUSE.—What do you say to leaving the right to apply for an alteration to the Attorney-General?

Mr. Walsely.—How would the Attorney-General find out whether the scheme wanted alteration or not? It would surely be better to leave it in the hands of people who are most likely to know how the scheme wants alteration. That would certainly not be the Corporation. I say that the Diocesan Council of Ferns is the body outside the Governing Body who would know best whether the scheme wanted alteration or not, from their having the power of electing two trustees, and from their knowing matters connected with the school itself.

Oct 18, 1891.

Oct. 19, 1901.

950. Mr. Justice O'BRIEN.—Would it be desirable to say ten parishioners?

Mr. M. Barton.—The Diocesan Council would have Carlow and Wicklow men on it.

Dr. TRAILL.—They would not interfere. We have been asked for supplemental schemes already. It is necessary that there should be some power somewhere of applying for an alteration of a scheme. But it is not desirable to have that power conferred on every person who comes in and says he wants a change.

Mr. M. Barton.—Not every person.

Mr. Walsby.—It is desirable to have a good outside body.

Mr. Justice O'BRIEN.—All applications should be considered.

951. Mr. Walsby.—Do you see any objection to it as it stands—"the Governing Body or the Diocesan Council"?

Mr. Justice O'BRIEN.—I see no reason to give power

to the Diocesan Council, any more than to any other body—a poor law union for example.

952. Monsignor MOLLON.—What would you say to the joint application of the mayor and the incumbent?

Mr. Walsby.—They would never agree. There is a small matter in section 24. It provides for the admission of day pupils either free or at reduced rates, and it says—"Every free day pupil shall be qualified as hereinbefore provided." You should add—"With respect to free boarding pupils."

953. Lord Justice FRYGIMAN.—There ought not to be the same strictness with regard to free day pupils as with regard to free boarding pupils.

Col. FOTHERGILL.—In this scheme, which is to extend the benefit of the school to all the boys in the county of Wexford, or the Diocese of Ferns, it seems to me that the power of asking for an alteration of the scheme should not be given to a local body like the Corporation of Wexford.

Mr. Richard
Freston
Calderell.

Mr. Richard Freston Calderell, Head Master of Tate's School, examined.

954. Lord Justice FRYGIMAN.—How many pupils have you got at present?—We are very low at present. We are down as low as twenty-two.

955. That is the lowest you have been?—Yes.

956. How many free boarding pupils have you?—Four.

957. You have no boarders except the four?—No.

958. How do you account for the falling off of the day pupils?—Three boys in each of two families and a couple of others also have gone to business, and also to the transition state in which the school is at present.

959. Monsignor MOLLON.—What was your highest number since you came to the school?—About 40; we commenced very low.

960. Mr. Justice O'BRIEN.—Would you say that if the power was given to you of increasing the number of boarding pupils, it would enable you to advance the prospects of the school?—Certainly.

961. Dr. TRAILL.—How many have you accommodation for?—Twenty.

962. And you are forbidden to receive any more than five?—Yes.

963. Mr. Justice O'BRIEN.—In what way would you be enabled to forward the interests of the school by being allowed to increase the number of boarding pupils?—We would have better material—boys of better capacity.

964. How would it necessarily follow that if you could increase the number of boarding pupils, the intellectual material of the charity boys would be raised?—I did not know you meant the charity boys alone. I thought you meant the school as a school.

965. Would the education for the day pupils be improved if you were allowed to take a larger number of boarders?—I don't think it would.

966. Is it not the experience of all boarding schools that enables the head master to provide a larger number of good assistant masters?—Certainly.

967. Lord Justice FRYGIMAN.—Are the 22 boys all from the town of Wexford?—From the parish.

968. How have you done in the Intermediate?—I prepared four. Two did not care to go in, and did not work; the two that did work passed. One got a prize.

969. Monsignor MOLLON.—Have you a centre in Wexford?—Yes.

970. In St. Patrick's College.—Yes. The two boys passed in Latin, French, English, Arithmetic, Euclid, Algebra, and Natural Philosophy. One boy got Honors in the whole of them. The other passed in

the same subjects, taking Honors in Latin, Arithmetic, and Algebra.

971. Dr. TRAILL.—What assistant master have you?—Mr. Connolly.

971A. Mr. Justice O'BRIEN.—Is he qualified to teach the subjects the boys passed in?—He is very well qualified, being an Honorary member of the Royal University in both Classics and Mathematics, as well as an exhibitor of the Intermediate.

972. Lord Justice FRYGIMAN.—With two pupils you get one prize?—Yes.

973. And you have no power under the Charities scheme to teach Greek?—The old scheme is limited to "elementary classics."

974. To what religious denomination do the 22 boys belong?—They belong to the Church of Ireland.

975. No boys of any other Protestant denomination, or any Roman Catholics?—No.

976. Professor DOUGHERTY.—How long is it since you were without boys of other Protestant denominations?—About four years.

977. Mr. Justice O'BRIEN.—Where are the young boys of the Methodist persuasion educated?—I don't know; they have left. I think the adherents of that persuasion are very few.

Mr. Latham.—There must be some mistake about the numbers. There cannot possibly be 150 dissenters in the town.

Professor DOUGHERTY.—Presbyterians are not dissenters.

Rev. Mr. Latham.—I only know one real Presbyterian.

Professor DOUGHERTY.—As there is a Presbyterian minister, it may be assumed there are Presbyterians.

Lord Justice FRYGIMAN.—I took the figures from the Census returns of 1881.

Rev. Mr. Latham.—I am quite certain that there are not eight adults.

Professor DOUGHERTY.—In 1880 there were 20 members of the Presbyterian Church.

Rev. Mr. Latham.—I think that any argument you found on the number of Presbyterians, and Methodists, and Friends in 1880 will be wrong.

The Venerable the Archbishop of Ferns.—I wish to say that I entirely approve of the scheme, as now submitted by the Commissioners, and that the power of allowing us to have more boarders will enable us to have a better class of teacher. I think that is likely to raise the character of the school.

Mr. Howard Ross sworn and examined.

C. 12, 1891.

Mr. Howard
Ross.

978. Lord Justice Fitzgerald.—You see a resident in Wexford?—Yes.

979. You wish to give us a statement about the number of Methodists in the town?—Our congregation runs from 90 to 112.

980. Some of them must be counted among Mr. Latham's congregation too?—There may be some.

981. Professor Deane.—Still, Methodism is not a vanishing quantity in Wexford?—Not at all.

982. Lord Justice Fitzgerald.—How many pupils are there among them that want to get education?—At present there are no poor people that require free education.

983. Where do the boys of your denomination go to be educated?—Some go to Dr. Bollinger's—a private school.

984. Dr. TRAILL.—Where do the rest go?—The rest are mainly little children.

985. Lord Justice Fitzgerald.—Assuming Tate's school to be made a school giving a better class of education, about how many boys connected with your congregation would be likely to go there?—At present, I don't think any would go there. We think the education they are receiving is of a better quality than is given there.

Mr. Henry Sheffield.—I have known the school for a large number of years, and before the law contention

it was carried on in a magnificent style; and there was a first class education given in it, and the number of pupils in attendance was very high. If the school could be got up to work in a higher sphere, and give a higher class of education it would be very successful.

986. Lord Justice Fitzgerald.—If that was done, what number of boys, either day pupils or boarders, who don't belong to Mr. Latham's congregation, would be likely to attend?

Mr. Henry Sheffield.—The school gave a first class education, and it was a pity it was spoiled. If the present scheme would admit boarders, it could again be made a first class school.

Rev. Mr. Latham.—It is my deliberate opinion that the Roman Catholic members of the Corporation of Wexford do not care one pin what you do in this scheme. When the first meeting was called they did not attend, and were not represented; and it was only at the last moment, when they were assured that there were costs to be got out of it that they came in.

Lord Justice Fitzgerald.—None of the costs of these proceedings will come out of the funds of the charity.

Mr. Charles Taylor (Solicitor to the Corporation).—I have only to say that Mr. Latham is wholly mistaken in his views.

SCHEME No. 106.—JOHN IVORY'S SCHOOL, NEW ROSS.

(OBJECTIONS AND AMENDMENTS.)

987. Lord Justice Fitzgerald.—In this case we have got two very short objections—one from the existing trustees, and the other from Colonel Tottenham. The trustees first desire that the address of Mr. Neville should be added—Bawnmore, New Ross. They then desire that sums of £10 and over subscribed should be put to the capital of the endowments. I would suggest that if a large sum of money were required for repairing the school, and if all sums of £10 and over were to be capitalised, the work could not be done. We might provide that unless where the donors otherwise desire the trustees should capitalise sums over £10, but it is better to retain liberty in such matters. They next suggest that "in case there should be no candidate for free education possessing the necessary qualifications some provision should be made in the scheme for the application of the money allocated for free places." Free places were of the essence of the original foundation. Should there not be a sufficient number of children possessing the necessary qualifications, the 10th clause enables the Governors to apply the funds to the other purposes of the scheme. If they have any more specific provision to suggest we will consider it. They then ask that the school shall not be removed to any place more than one mile from New Ross. We inserted the removal clause so that if the Governors desired to remove the school it might not be necessary to go to the Court of Chancery. But it would be very right that it should be within a fixed distance of New Ross. The trust is to maintain a free school in the town. They next object to inspection and audit on the score of expense and they suggest that the master should audit the accounts. This provision is compulsory, but we hope the expense will be trifling. They also suggest that they should only meet once a year. Twice a year is the minimum we have ever adopted. Every school divides its work into two half years; and there ought to be an opportunity of electing pupils and a meeting at the school at least once each half year. If the trustees are to govern the school they should see their way to meet twice a year.

Colonel Tottenham.—If you had put in six months there would have been no objection on that point.

988. Lord Justice Fitzgerald.—By our Act of Parliament we are obliged to provide for inspection and audit. We have been in correspondence with the Local Government Board in this matter and we have every reason to hope and believe that the expense, even where a paid auditor is employed, will be kept within very reasonable limits. In some cases they have sanctioned the selection of Auditors by the Governors. How have they hitherto managed the audit?

Colonel Tottenham.—I got the accounts audited and sent up the certificate to the Commissioners of Requests, and they accepted it.

989. That is just what I would have expected. The last point put by Colonel Tottenham is hardly an objection, but rather a criticism. Colonel Tottenham says:—

"I desire to add on my own account that it appears to me much better to appoint the bishop of the diocese visitor of the school, with power to adjudge in case of dispute, or to check and remedy abuses, if such occur, than to make him a member of the Governing Body itself. His residence at a distance, and his many duties throughout the diocese, would cause expense, delay, and inconvenience in fixing dates for meetings; and should he not be present there would be a tendency to postpone business in order to consult his lordship, and so forth."

The Archbishop of Ferns.—I had a letter from the bishop stating that he would wish that to be carried out.

990. I would wish you to understand how the matter stands. First in your normal number, including the bishop. The bishop would prefer to be visitor. If he was a member of the Governing Body you would have him as chairman when he came, but if you have him as visitor he will be out of your Governing Body for all ordinary purposes. Second.—Are you sure that people will be willing to submit all disputes in connection with this school to the bishop? Again, the quorum is three. For your ordinary business the bishop would not come. If he was visitor you could not have him even for special business.

The Archbishop of Ferns.—I think you had better leave it as it is.

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Colonel Tottenham.—I think it would be rather demoralising. If the bishop is to be with us as an ordinary member, we should like to consult his convenience in fixing the dates, he lives so far away.

Lord Justice Fitzgerald.—There are a number of those cases, but this is the first proposal to put the bishop off the Governing Body, and make him only a visitor. He need not attend unless there is urgent business; but a halfpenny would give him notice when he was required.

991. Monsignor Molloy.—If the bishop were removed there would be only four members!

Colonel Tottenham.—We might have the secretary of the Diocesan Council.

Dr. Traill.—Or have a person nominated by the bishop, to take his place in his absence.

Lord Justice Fitzgerald.—If the bishop was made visitor, we should define his jurisdiction. We have sought, in all such cases, to make the Governing Body effective, and then to make it the master. Probably what Dr. Traill suggests would be the best—namely, to give the bishop the power of nominating some person to represent him.

992. Monsignor Molloy.—Suppose we left the bishop out, and added some other members to the Board, why should you require a visitor?

Colonel Tottenham.—To leave him out would be an act of disrespect to the bishop.

993. Lord Justice Fitzgerald.—The school has been very effectively managed. A clergyman has been the schoolmaster. I think it would be better to have the bishop an integral part of the Governing Body. He might name some person to act for him on all ordinary occasions.

Mr. John C. Pender.—I think the arrangement of having the master of this school the curate of the parish is not likely to continue very long.

994. Lord Justice Fitzgerald.—What is your opinion about leaving the bishop off the Governing Body?

Mr. John C. Pender.—I certainly would not leave him off.

995. Dr. Traill.—Would you give him the power of appointing a nominee?

Mr. John C. Pender.—I would, because it is very difficult to get across from Kilkenny.

Colonel Tottenham.—Mr. Green, the master of the school, thinks that the bishop would be quite satisfied if he was allowed to nominate another person to act for him in his absence.

Dr. Traill.—The bishop, or his nominee, to be on the Governing Body, not both.

Lord Justice Fitzgerald.—We cannot well leave him off. We provide for the very case that, if the vicar and others did not provide a schoolmaster, and so on, the bishop should have power to do so.

996. Colonel Tottenham.—Would not he still have the power?

Dr. Traill.—Not under the new scheme, unless he were on the Governing Body.

997. Mr. Justice O'Donnell.—What would you say if the investment clause was so altered as to read that sums of £10 and over should be capitalised "if the donor so required"?

Colonel Tottenham.—I would rather have it put to the capital, unless the donors otherwise required. In Clause 19, line 5, I saw we are dignified as a College.

Monsignor Molloy.—That is a mistake. It is a survival from another scheme.

998. Lord Justice Fitzgerald.—The next matter is an important one. What about making provision for the money allocated for free education, should it not be required for that purpose?

Colonel Tottenham.—I think it is sufficiently provided for in the scheme; the balance of the endowment goes to the master.

999. Professor Donnery.—Do you wish to withdraw that?

Colonel Tottenham.—I would not like to say anything about that in the presence of the master.

Professor Donnery.—He gets the balance of the endowment, and he is bound to teach the free pupils.

1000. Lord Justice Fitzgerald.—As to the bishop we will give him power to appoint a gentleman to act in his absence. You will have a quorum without him, and if you want him, you can ask him specially to attend. He ought to be a Governor on general principles; besides that, the testator put him in.

Colonel Tottenham.—But it is very desirable to have the chairman present at the meetings.

1001. Lord Justice Fitzgerald.—The scheme provides that "the bishop shall be the chairman, and the vicar shall be the vice-chairman." The vicar would not like to be in the chair when the bishop is present. If the bishop came as visitor he would be the sole court himself. I don't think it would be possible to appoint him visitor without giving him a degree of power which it would be very difficult to define.

SCHEME No. 113.—THE URITH PAUL ENDOWMENT.

(OBJECTIONS AND AMENDMENTS.)

Lord Justice Fitzgerald.—The next case is that of the Urith Paul Endowment.

Mr. F. T. L. O'Connell, solicitor.—I appear for Joseph William Deane, William Glascock, and Emily Letitia Deane-Drake, the existing trustees, and for Mr. Joseph Edward Deane-Drake, owner of the Deane-Drake estate.

1002. Lord Justice Fitzgerald.—The way this case stands is that Mrs. Urith Paul gave to four trustees the sum of £1,600 upon trust for charitable purposes, and by a codicil to her will of July 28, 1816, in addition to the £1,600 already mentioned she bequeathed a further sum upon trust "to finish and keep in repair a schoolhouse upon part of her estate at Stokesdown, near New Ross, and upon further trust to apply one half of the interest arising from the said sum as salaries for a Protestant Master and a Protestant mistress to instruct boys and girls in reading, writing, and arithmetic, needlework, knitting and spinning, and in correct and good morals, without interfering in their mode of religious worship further than that the Holy Scriptures should be read and taught in the school." She further directed that "the interest of a society of the £1,600 should be applied

in the payment of annuities to six aged men and four aged women of good character and in reduced circumstances and infirm health," and not for educational purposes. By a further codicil she gave annuities of £5 per annum each to "deserving objects of charity, paralytic complaints to be first considered, also old age and distress. Protestants if equally deserving to be first considered, but none to be excluded whose previous character and respectability in life added to their present distress, should make them in need of assistance," and she directed that "if there should be any surplus from the interest of the charity fund the same should be applied towards sending out Protestant children from the Stokesdown school to Protestant masters and mistresses, or towards any repairs on the schoolhouse not exceeding £5." By a decree of the Court of Chancery in 1819 a sum of over £3,000 was paid to the Commissioners of Charitable Donations and Bequests, but nothing was done for the school. The £3,000 accumulated to £6,000 odd, and in 1833 a scheme was approved by the Commissioners of Charitable Donations and Bequests. A school was opened. We saw the place, a very nice schoolhouse, with a residence for the master and mistress, but no

education going on at all. The old master had been there as long, that at the Commission of 1890 he was stated to be over eighty. When we came down we thought he must have been gone, but he presented himself before us, still schoolmaster in name, still living in the place and on the endowment, but there is no school there at all. There is a good deal of money accumulated.

Mr. T. T. L. Overend.—Mrs. Deane-Drake is entitled under the scheme of the Court of Chancery to a sum of £5 7s. 6d. per annum as treasurer which she has never taken at all. We object to the draft scheme, "first, because it alters the governing body of the endowment as far as regards its non-educational purposes, although the income applicable to such purposes is £108 and the income applicable to educational purposes is under £70." Under the Act of Parliament there is no jurisdiction to alter the Governing Body under the circumstances. The money is all in 2½ per cent. stock. The annual income is £108. There is the schoolhouse with buildings and two and a half Irish acres of land, the valuation being £8 10s. The non-educational payments directed by the Court of Chancery are £108; the treasurer's allowance £5 7s. 6d., and the allowance for repairs of the school £5; there is also £10 13s. for incidentals, and the amount left annually for educational purposes is £57 13s.

1001. Lord Justice FRYGROVE.—You are paying £40 to the schoolmaster and schoolmistress?

Mr. T. T. L. Overend.—But we have the other objects of charity.

1002. Are you applying the money which was given for educational purposes to non-educational purposes?

Mr. T. T. L. Overend.—We have no scholars. According to the terms of the will they must be Protestants.

Monsieur MOLLOY.—No.

Mr. T. T. L. Overend.—Well, the Scriptures must be read in the school. The schoolmaster and the schoolmistress must be Protestants. That points to a Protestant school.

Dr. TRAILL.—The surplus must be applied to hind-lag or Protestant children or Protestant masters or mistresses.

1003. Lord Justice FRYGROVE.—What do you propose?

Mr. T. T. L. Overend.—The will directs that this schoolhouse is to be kept up as a perpetual memorial of the Deane-Drake family. We propose that the schoolhouse should be kept up, so that we would have a Protestant school if at any future time there should be scholars; but that in the meantime we should make it an almshouse for those old women, and having regard to the fact that we have no objects of the educational endowment, we ask that we should increase the number of payments to these poor persons, also that we should have power to increase the apprenticeship fees. Protestant apprentices under the will were to have the preference. There is no Protestant apprentice. There are thirteen apprentices and they are all Roman Catholics.

1004. Monsieur MOLLOY.—Persons connected with the estate?

Mr. J. W. Deane.—Connected with the parish.

1005. Mr. Justice O'BRIEN.—How much do they get?

Mr. T. T. L. Overend.—£108. One reason why we think we should be at liberty to increase those annuities or to add to those fees is that the residue for educational purposes is so small.

1006. Lord Justice FRYGROVE.—You are paying annuities of £20 a year each to a schoolmaster and schoolmistress who have no scholars.

Mr. T. T. L. Overend.—He has been sixty years there, and he had a school for a long time.

Mr. J. W. Deane.—There were pupils up to a few years ago.

Lord Justice FRYGROVE.—We know what the pupils were.

Dr. TRAILL.—There was a sort of evening school for girls.

Mr. J. W. Deane.—We have been always anxious to carry out the will.

Lord Justice FRYGROVE.—We found at New Ross objects very similar to the objects of this testatrix.

Mr. T. T. L. Overend.—But we are limited by the terms of the will, only to go to the poor school of New Ross, for the purpose of apprenticeship. We are not allowed to divert it.

1007. Lord Justice FRYGROVE.—The scheme proposes to give you that power. Is not what you propose diverting it to another object?

Mr. T. T. L. Overend.—The only terms of the will that connect us with the poor school of New Ross are, that we were to give apprenticeship fees to certain scholars of that school. We do that.

1008. Dr. TRAILL.—You are proposing now to divert it entirely from Protestant purposes to Roman Catholic purposes.

Mr. T. T. L. Overend.—At present there are no Protestant scholars.

1009. Rev. Dr. MOLLOY.—But there may be at some future time?

Mr. T. T. L. Overend.—There may be.

1010. Mr. Justice O'BRIEN.—How many are receiving apprenticeship fees?

Mr. J. W. Deane.—I don't know. I have furnished the account.

1011. Lord Justice FRYGROVE.—Here is the evidence that was given:—

"What money would be available every year for apprenticeship fees if there were pupils to be apprenticed?—About £30 a year, I suppose. The £5 ss. 8d. would provide coals and lighting."

Dr. TRAILL.—What do you do with the fund now?—It is accumulating.

Then I asked:—

"Is it in your hands?—It is in the hands of Mr. Deane's mother, as treasurer, who has it in the Bank at New Ross."

"Do the Commissioners of Charitable Donations and Bequests pay the money to you?—Each half year."

"Do you furnish any account to them of how it is spent?—No, never. They never demanded any."

"Is there no provision in the Chancery scheme for accounting?—I have never been able to see any Chancery scheme. There was a decree of the Court of Chancery about the year 1828. It is a most voluminous document repeating Mrs. Paul's will verbatim, without giving any explanations. That is what we have acted on. As to the exception of this, that the stipend of the master and mistress was to have been half the interest on the £1,500 Irish. We have paid it as of British at 3 per cent."

The schoolmaster was examined, and I asked him:—

"How long have you been master of Stokemore School?—Sixty-one years last month."

"How many pupils are there now?—Only one."

"When were there any others last?—About half a year ago."

"How many were there then?—From four to eight, between half a year ago and twelve months ago."

"What became of them?—None of them were returned. Some of them were servants' children."

"Have you a school roll?—I have."

"Where is it?—It is at home."

And Mr. Deane says:—

"I think he is alluding to a night school for the convenience of grown-up people which is out of the endowment altogether. Adults come and learn at that school. No man who cannot read and write or who is under thirty years of age comes there."

Then I asked the schoolmaster:—

"How long is it since you had any children pupils in the day school?—Not, I suppose, these seven or eight years. I had a good school previous to that."

How long is it since you had a good school in the day time?—Years before that. I am sixty-one years now in it.

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How long is it since the school dried up?—Fourteen or fifteen years.

Have you had no day school for fourteen or fifteen years?—I had, about four or five years ago.

Where do the children go now that used to go to you?—To a parochial school at Ballyhelly, two miles and a half from Skabestown.

Who is the manager of Ballyhelly?—I don't know. It is a National School.

Is it under the priest?—Of course.

What pay do you get?—£10. My wife had £20 more while she was alive. She is dead twenty six or twenty-seven years.

Who gets the other £20 now?—The schoolmistress.

Is there a schoolmistress as well as you?—Yes.

Has she any pupils?—No.

How long is it since she had any?—I suppose something about twelve months.

Who appointed you?—Councillor Deane's father.

Are you entitled to draw your salary whether you have any pupils or not?—I don't know; only Mr. Deane agreed to give me £20 for myself, and £10 for my wife, for keeping school.

1013. Mr. Justice O'BRIEN.—Is there any accommodation now in hand?—There is.

1015. How much?—I understand £100.

1016. What do you propose to do with that?—We did not make any definite proposition with regard to that fund.

1017. During this long period of time have you applied it to any use at all—apprenticeship fees or anything else?—Yes. Mrs. Deane-Drake is living in London. But Mr. Greene has just told me that within the last two years there have been three cases of apprenticeship fees.

1018. Out of the income or out of the accumulated fund?

Mr. Greene.—I wrote to Mrs. Deane-Drake, and got a certificate from the master of the school, and we got her cheque for £5.

1019. Professor DOCUMENT.—Is £5 the amount?

Mr. Greene.—£5 for two years.

1020. Is it paid to the mistress or to the girl?—The money comes generally to the clergyman of the parish.

1021. Whom does he give it to?—He gives it to the person to whom she is apprenticed. There is a difficulty in getting a sufficient number of apprentices.

1022. Is there a difficulty in getting masters or mistresses in New Ross to take apprentices?—In connection with the terms of the will there is, because they are obliged to be Protestants.

1023. And is there a difficulty in getting them apprenticed to Protestant tradesmen?—There is.

1024. Mr. Justice O'BRIEN.—Even with money?

Mr. Greene.—Even with money. I may say we have never been refused an apprentice fee for any apprenticeship we have sent in.

1025. Lord Justice Fitzgerald.—Why should you, with £400 in hand?

Mr. T. F. L. O'Connell.—Mr. Deane-Drake has not the money.

Lord Justice Fitzgerald.—I have read Mr. Deane's own evidence that the money was accumulating.

Mr. J. F. Deane.—Will you allow me to refer to the 11th section of the Act?

“In framing schemes, the Commissioners shall save or shall make due compensation for the vested interests of individuals holding any office, place, employment, pension, compensation, allowance, bounty or endowment, under or arising out of the endowment or other endowment at the date of the passing of this Act, and shall provide that no funds now applied in terms of the founder's directions to train elementary education, shall be directed to any other purpose, except to the extent to which such funds are manifestly in excess of the requirements for the purpose of free elementary education of the locality to which they belong.”

Monsignor MOLLOY.—The requirements are not apparently.

1026. Lord Justice Fitzgerald.—Do you suggest that this place that we saw—I can hardly call it a school—does not belong to the locality of New Ross?

Mr. J. F. Deane.—It does not. It is not in the parish at all. It was all intended for the parish.

Mr. J. C. Prouden.—A proposition was brought before the Diocesan Council that Whitechurch parish should be amalgamated with New Ross. Mr. Deane-Drake with a very praiseworthy feeling is desirous of keeping it as a separate parish; but I think it is not at all unlikely that in the end New Ross and Whitechurch will be one parish, and I think it would be a great deal better that it should be given to New Ross than all over the county at present.

Mr. J. F. Deane.—The parish of New Ross is too large at present.

Mr. O'Connell.—The sum appears to be £1,500 in stead of £1,600.

“I desire and beseech . . . the sum of £1,500 sterling, a part of my dear sister's fortune bequeathed to me, and which I have appropriated to charities and other purposes.”

Mr. J. F. Deane.—She gave £1,500 and £1,600, and then for educational purposes she only devoted half the interest of £1,600.

Lord Justice Fitzgerald.—And not a halfpenny of it is given to educational purposes.

Mr. T. F. L. O'Connell.—In the first codicil to her will she says:—

“I bequeath one-half of the interest of the before mentioned £1,600 as salaries for a Protestant master and a Protestant mistress to instruct boys and girls in reading, writing, arithmetic, needlework, knitting and spinning, and in correct good morals without interfering with their work of religious worship further than that the Holy Scriptures be read and taught in the school, that neither master nor mistress shall receive more for tuition of each child than one shilling a month; that the representative of the Duke freely shall for ever have a privilege to nominate twelve children to receive education, exempt of any payment, from master or mistress; and nominate John Allen Gilson, the Rev. William Napper and Miss Sarah Drake, and their heirs or whom they appoint to sit for them, as governors and governors of these institutions; and I appropriate the other half of the before mentioned sum of £1,600 during as yearly annuities to four aged men, and to four old women, of good character and reduced circumstances, and infirm health, three of the Protestant religion known to my brother or belonging to the parish of Whitechurch to be preferred, and the individual and not the support of the families to be the consideration for the annuity, and that the said annuities do return to the fund on the death, sickness, or improved state of the persons as being considered by the governors or guardians of the institution not requiring said assistance, and that if a difference of opinion should arise it should be decided by ballot; in case no persons have been approved of, or till such are chosen for the annuity, that the interest to be so appropriated shall be either expended on the more completely finishing of the schoolhouse or boarding out Protestant children to Protestant masters or mistresses.”

Then she made a second codicil which deals with family funds, and then she comes to the third codicil.

“I With Paul, do make this following disposition of that part of my sister Anne Drake's fortune, for which my brother paid me since her death interest of, and of which £1,200 sterling has paid me interest bearing six per cent. I wish deserving and proper objects to be selected to by an annuity to each person not exceeding £25 a year, payable quarterly to be first considered, and also old age and bodily infirmity. Protestants if equally deserving to be preferred, but none excluded whose former character and respectability in life, added to their present distress makes them in need of assistance, and my wish and intention is to limit it to the sick and the aged. And on that account I wish as few as number be made members of the charity, that it may be the more effectual in adding to their comfort, and should them at any time be a surplus of said interest from proper objects not being chosen, then that interest to be appropriated to the boarding out Protestant children from the broken-down school to Protestant masters or mistresses, or any repairs not exceeding £5 on said schoolhouse or the fences thereof.”

and she concludes—

“I desire that all my yearly subscriptions to the New Ross and Waterford charities be for ever continued, the

Wanted to be paid out of that part of my estate bequeathed to the Willises, the Rose charity, with the addition of £10 every year to be expended on the schoolhouse and garden thereof, to be paid out of the revenues of Stoke-Newington, so that said schoolhouse and premises be well kept, and that by all means the intention of it be carried into effect, and the Stoke-Newington Poor School to be a lasting memorial of John Drake of Stoke-Newington."

1027. Lord Justice FRANKLIN.—I have not yet had time to study all these wills and codicils, but by a codicil dated August 9, the testatrix directed that any surplus of her sister's fortune is to be appropriated to the apprenticing of Protestant children out of the Poor School to Protestant masters and mistresses, "and in case such as are deserving are not in that school, then resort is to be had to the Rose Poor School." Now, I understand the "Rose Poor School" is the "Hill School," which has at present sixty Protestant children in it. "If there should not be Protestants in either school," then any other deserving children are to be chosen.

Mr. J. W. Deane.—These were all to be taken out of my surplus.

Mr. T. T. L. Overend.—We propose to increase those fees. We consider more good could be done if they were of larger amount. We have already two assistants, and we think it would be a cruel hardship to deprive their provision; then the residue is a small sum.

1028. Lord Justice FRANKLIN.—You forget the two annuities of £20 a year?

Mr. T. T. L. Overend.—After we pay those annuities there is hardly anything left, and we propose that the old man should receive the pension for the rest of his life, and that we should increase the apprentice fees.

1029. Professor DOUGHERTY.—Are you paying the salary of the schoolmaster and schoolmistress out of the apprentice fees?

Mr. T. T. L. Overend.—Yes, we believe that, at present, we are not able to do any more in the way of apprentice fees. You cannot expect a respectable sister to take an apprentice for £5.

1030. Professor DOUGHERTY.—Have you any application from the parents of children wishing them to be apprenticed?

Mr. T. T. L. Overend.—I gather from Mr. Greene that we apprentice from one to two every year.

1031. Mr. Justice O'BRIEN.—If the balance is so small as to be swallowed by the salaries of the schoolmaster or schoolmistress, how was it there was money for the other purposes?

Mr. T. T. L. Overend.—Because there was a very much larger amount of interest; the interest was reduced.

1032. Lord Justice FRANKLIN.—We owe the lady's bank book, and she is paid this money now by the Commissioners of Donations and Bequests. Here is the Objection signed by yourself, and put in on behalf of the gentlemen here present, and it never suggests, from beginning to end, a single thing that you have brought before us to-day. Here is the only objection:—

"Because it shews the Governing Body of the endowment so far as regards its non-educational purposes, although the income applicable to such purposes is £108 and the income applicable to educational purposes is under £70."

You have not opened that. If the facts are so, that may require us to leave the Governing Body for non-educational purposes so it is.

* Second.—Because the spirit of the intentions of Mrs. Irish Paul has not been regarded in several respects, specially:—(a.) In constituting the Incumbent of New Rose a Governor, and reserving that parish in the school district, the charity being destined by the founder for the parish of Whitechurch, in which her sister and brother were buried and her property was situate, and whence the money came."

That is not any deviation from the trust, but in the direction of bringing in a larger area. The will provided that if there were not objects enough of the charity in Whitechurch, then other deserving children might be brought in; and it also weighed with me that the lady's own will brought in the parish of New Rose.

(b.) "In giving to the Governors of John Ivory's school, New Rose, the power of electing a Governor, and is giving a similar power to the Commissioners of National Education."

(c.) "In not providing for the reading and teaching of the Holy Scriptures, and otherwise shewing the nature of the education prescribed by the founder."

Neither are the Holy Scriptures read, nor is any education at all given now, for there are no children in the school.

(d.) In giving exhibitions to candidates not educated at Stoke-Newington or Rose Poor School, nor resident in Whitechurch parish.

(e.) In authorising a sale of the schoolhouse which was built by the testatrix as a perpetual memorial of John Drake, and should be so maintained, and provision made for repairs.

(f.) "In not confining the apprentice fees to Protestants."

That objection is signed by yourself as solicitor to the objectors. Now, instead of this objection, you propose to divert the whole property to the pauperism and other objects of the testatrix's charity, and to give the go-by to the educational trusts.

Mr. T. T. L. Overend.—These were merely the objections to the scheme as it stood, but I had not the opportunity of consulting with those interested in the scheme.

Mr. J. W. Deane.—On the 30th of April I wrote fully to Mr. Overend that the apprentice fees should be increased.

1033. Lord Justice FRANKLIN.—We cannot allow the inefficiency of this charity to go on any longer. These proposals that you have put forward to-day for the first time are of a constructive character, and if you wish us to consider them we must have them in black and white. The clergy of New Rose must have the opportunity of showing whether it is true that there are no objects of this charity; this lady had within her beautiful intentions New Rose and its neighbourhood. She said that her trustees were to look for the objects of the trust in Stoke-Newington, and if they were not to be found there they were to go—first to poor Protestants of Whitechurch, then to poor Protestants of New Rose, and thirdly to the poor Protestants of any other place. We have nothing to do with the pensioners. We are obliged to see that any new governing body we create discharges the duties of the educational trust.

Mr. T. T. L. Overend.—With reference to the management of the fund, so far as the objects of charity are concerned, we have applied it to them.

1034. Lord Justice FRANKLIN.—Yes, but you have been doing it in a way which no judge could sanction. The trustees has been getting the money into her own hands and accumulating it in her own private account.

Mr. J. W. Deane.—On a separate account, headed "Stoke-Newington."

1035. It is in her own sole name, and that itself would be a breach of trust if the Commission never set. The money was paid over by the Commissioners to her, and she has paid salaries to a schoolmaster and schoolmistress for years though there was no school.

Mr. J. W. Deane.—It was paid over as Irish Paul's charity.

1036. Without asking any account of what was being done with it?

Mr. T. T. L. Overend.—Excuse me. I think there is rather a misapprehension. Under the Charity scheme the interest which was then £214 per annum,

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was paid over and the scheme gave directions as to how the sum was to be applied, and the money was applied by the lady to the objects of the scheme.

And the money that was not applied was accumulated. If the lady died to-morrow, the money is all standing to her own private account.

1037. Mr. Justice O'BRIEN.—How did it come to be paid to her directly?

Mr. J. W. Deane.—She was appointed treasurer, and my mother was appointed treasurer before her. The accumulation may be said to have arisen in consequence of there being no schoolmistress; but as mercenary motives have been attributed to my sister-in-law I consider it is right that she should be vindicated.

Lord Justice FITZGERSON.—No, no. I said that the money was lodged to her own account. I do not for a moment suggest that it has been misappropriated.

Mr. J. W. Deane.—I think it is right to show the contrary. Under the scheme of the Commissioners of Charitable Donations and Bequests she was entitled to take from the income every year £5 7s. as treasurer. She has never received a penny of that, and that would amount to about £300.

1038. Lord Justice FITZGERSON.—Has that any bearing upon what we are talking about?

Mr. J. W. Deane.—It has, because she has restored that money.

Mr. J. F. L. O'Connell.—The scheme directed the total sum to be paid over to her. She was entitled to treasurer's fees on the annual sum of £214—£5 7s. The payment of treasurer's fees involves that there was a treasurer, and Mrs. Deane-Drake was the treasurer. She applied payments to all the objects of the scheme that she had; and not having objects she has never used it. I don't see what else she could do!

1039. Mr. Justice O'BRIEN.—But how did it come that the money was paid over to her? The practical point I should like to ascertain is this—see there any boys in the New Ross School?

Mr. J. F. L. O'Connell.—Mr. Greene can tell that. Dr. TRAILL.—Mr. Greene has had to go away but he has left a memorandum with me which states that there are 26 boys in the New Ross School.

1040. Mr. Justice O'BRIEN.—To whom these funds should be applied?

Dr. TRAILL.—Yes.

Professor DODDHERY.—We have evidence from all parts of the country that this system of provision for apprenticeships is obsolete.

Mr. J. F. L. O'Connell.—There is a provision in the will that the money should be dealt with as apprenticeship fees.

1041. Lord Justice FITZGERSON.—The whole system of apprenticeship is changed with the result that you cannot profitably apply such sums of money as they are available here in that way. But you can do a great deal better—you can give a better education so as to fit boys or girls to become teachers or to go into the Civil Service. We want to get the money laid out for the advancement of young persons in life.

Mr. J. W. Deane.—We have got girls taught telegraphy.

Lord Justice FITZGERSON.—Quite rightly, though that would not be strictly paying an apprenticeship fee.

Mr. J. F. L. O'Connell.—You have got only about £50 a year. The interest is now $2\frac{1}{2}$ per cent. and in twelve years it will be only $2\frac{1}{2}$ per cent. The draft scheme provides that—

"The governors may also maintain in the existing *Endowments* schoolhouse, or in such other place as they may think fit, an evening school or schools, or evening classes for the education of persons who are engaged during the day at trade or business, and who are desirous of acquiring in the evening school or classes shall be arranged with special regard to the requirements of pupils obliged to maintain themselves by commercial or industrial pursuits,

and may comprise instruction in practical and experimental science, astronomy, navigation, drawing, modelling, shorthand, bookkeeping, and any other subjects of intermediate, technical or elementary education which the governors may deem suitable or useful for any sufficient number of pupils."

We have only something over £50 a year, which would not be sufficient for getting these subjects taught.

1042. Mr. Justice O'BRIEN.—There is an existing Protestant school in New Ross—and would not £50 be a very great assistance to that school for the education of pupils in the evening?

Mr. J. F. L. O'Connell.—I don't think you would get a person competent to teach these subjects for £50 a year.

Dr. TRAILL.—You would get plenty of people to do it.

Professor DODDHERY.—Even when there are no endowments, teachers carry it on for the school fees with assistance from the Science and Art Department. It was never intended that these endowments should do more than assist in carrying on these schools.

Mr. J. F. L. O'Connell.—We think it more advisable that this money should be applied in increasing these fees.

1043. Mr. Justice O'BRIEN.—Is not what has actually occurred the measure of the utility of that object?

Mr. J. F. L. O'Connell.—The fees are too small.

Mr. J. W. Deane.—We are limited by the scheme to a sum not exceeding £10.

1043a. Lord Justice FITZGERSON.—But recollect how all this arises. The fixing of this amount is not under the will at all. It is in the hands of the Commissioners of Charitable Donations and Bequests. What was to prevent you, when you had £400 in bank, from applying to the Commissioners of Charitable Donations and Bequests to increase the amount?

Mr. J. F. L. O'Connell.—We applied to the Court of Chancery for a scheme.

Lord Justice FITZGERSON.—It is now to me, if a trustee has accumulated £400, that she cannot apply it to increase the amounts given to the objects of the charity.

Mr. J. W. Deane.—The accumulation occurred originally from the death of the schoolmistress. When the school increased, we appointed a schoolmistress.

1044. Mr. Justice O'BRIEN.—How long have pupils ceased to attend this school?

Mr. J. W. Deane.—About three or four years ago.

Dr. TRAILL.—The master in 1829 said there had been no pupils there for four years.

1045. Mr. Justice O'BRIEN.—How are the apprenticeship fees paid?

Mr. J. W. Deane.—Every apprentice fee is paid in two instalments—£5 at the commencement of the apprenticeship, and the other £5 at the end of the year.

1046. Lord Justice FITZGERSON.—I must read the evidence given before. I asked—

"How much accumulated money is in the hands of the trustees?"

"Mr. Deane.—About £400 or more."

"Where is it?—In the Bank of Ireland, in the name of my sister-in-law, as treasurer."

"Also?—In her post box."

"Then, the whole amount is in the hands of one person in a private post box?—It is, of course, a separate account. It is perfectly safe. I am responsible."

"It is not a legal position for it to be in?—I am responsible if anything goes wrong."

"Does it consist of accumulations of unpaid apprentice fees?—Not altogether. At one time after Mr. Todd's wife died there was no schoolmistress."

I then asked the schoolmaster:—

"How many years after your wife's death was Mrs. Begg appointed?—I suppose twenty years."

"How many pupils had Mrs. Begg when she was appointed?—About ten."

I asked who appointed her, and Mr. Deane says, "I appointed her." He is asked what were her qualifications, and he says it is a long time ago, and he forgets. The schoolmaster is asked where Mrs. Begg was trained, and he says he could not tell; and Mr. Deane says:—

"She was recommended as a very highly accomplished teacher. My co-trustee, Mrs. Deane-Drake, has the whole correspondence. She is trustee and treasurer, but the residence is London."

Then Mr. Deane says:—

"A long time ago, people used to come from the neighbourhood of New Ross, because they were certain of being apprenticed. We were thinking of offering a larger apprentice fee, say £15. That might be an inducement to children to attend Stockton school primarily, and, failing that, the school in Ross."

Professor Daugherty says:—

"I think it is very doubtful if it would induce parents to send their children to a school managed as Stockton school is."

I asked, "Does anybody look after it at all," and you (Mr. Deane) gave the correct answer, "There is nothing to look after."

Mr. T. T. L. O'Connell.—Physically we had the money, but we had no power to give it under the Charities scheme.

Lord Justice FitzGibbon.—That £10 limit was in the Charities scheme, but it was under the control of the Commissioners of Charitable Donations and Bequests; and before you allowed £400 to accumulate you might have written to them to get leave to spend the money this way.

Mr. T. T. L. O'Connell.—As far as I know that was not done.

Lord Justice FitzGibbon.—We had a complaint from the witnesses in New Ross, that, although they occasionally got a £10 apprenticeship fee, they had not the least idea that there was any accumulated fund.

1047. Mr. Justice O'Brien.—Is this fund in bank still untouched?

Mr. J. W. Deane.—It varies from time to time; there is £434 now.

Mr. T. T. L. O'Connell.—The view of the trustees was, that the funds for non-educational purposes should be so applied, and that the balance should be employed in increasing the apprentice fees. The annuities were fixed by the scheme—"Thirteen aged and infirm objects, 29, Irish, each per annum; in British, £106 6s. 2d." We have been carrying that out, and Mrs. Deane-Drake has accumulated the other—the accumulation being principally her own fees, which she never touched, and never intended to touch.

1048. Professor Daugherty.—As apprentice fees are not useful, why should it not be applied to the purposes mentioned in the draft scheme?

Mr. T. T. L. O'Connell.—The first trust is "to promote technical education and instruction under the Kindergarten system in the National schools of the school district." It is impossible to do that and carry out Mrs. Paul's will.

Lord Justice FitzGibbon.—The purpose was to carry out the provisions of the will directing the employment of a Protestant master and a Protestant mistress "to instruct boys and girls in reading, writing, and arithmetic, needlework, knitting and spinning."

Mr. T. T. L. O'Connell.—I think your own view was that it would be impossible to do that. It should only be paid to a Protestant master and mistress. What we thought to be was to come to the root of the intention of this lady—that it was her desire to benefit Protestant children.

Dr. Traill.—That appears all through the will.

1049. Lord Justice FitzGibbon.—You may take it for granted, as far as I am concerned, that the first objects of the bounty of the testatrix were Protestant

children. They were to read the Scriptures, and to be taught in a school under a Protestant master and mistress. But my views are very strong, that the poor Protestant children of New Ross are very far before the paralytic of all denominations as respects of the educational part of the fund. Before we could divert it to the paralytic we should first provide for educating or advancing all the poor Protestant children of New Ross. We saw the place at Stockton. It produced a great effect on me. There it was—a nice building, perfectly idle, useless to any one, except the master and mistress for whom it had simply become a refuge. We cannot use it for Protestant pupils, for there are none there. There are in New Ross. We further got evidence that there were no children of any denomination in the immediate neighbourhood of the schoolhouse who wanted school accommodation.

Mr. J. W. Deane.—There are plenty of children, but they are Roman Catholics.

Lord Justice FitzGibbon.—They have a school of their own. You have suggested to-day that the building could be used for the paralytic parsons. That would commend itself to me—oh, rather than sell it, the trustees should have power to use it as an almshouse.

Mr. T. T. L. O'Connell.—We also suggest that we should always have the opportunity of reverting to the use of it as a schoolhouse.

1050. Lord Justice FitzGibbon.—Certainly; if it is ever wanted for a schoolhouse. The schoolhouse should be used for the present as an almshouse, with power to resume possession and use it for a school, in case of your ever being able to establish a school there. What about the land?

Mr. J. W. Deane.—The land could be rented.

1051. Lord Justice FitzGibbon.—I understand you don't want the paralytic people to use the 2½ acres, and you ask for power to let the land. Is that so?—Yes.

1052. Dr. Traill.—Will these lands be let by agreement for temporary letting?

Mr. J. W. Deane.—They could be let to-morrow.

Dr. Traill.—If you once part with them you will never see them again.

1053. Mr. Justice O'Brien.—What do you say as to the money in hand?

Mr. J. W. Deane.—We will invest that as soon as we pay the costs.

1054. Mr. Justice O'Brien.—What costs?

Mr. J. W. Deane.—Our costs, and your costs, and whatever costs there may be. I implored the Commissioners of Charitable Donations and Bequests to let me take the money out of the two and a half per cent, but they refused.

Mr. T. T. L. O'Connell.—The intention of Mrs. Deane is that after the payment of expenses it should be invested.

1055. Lord Justice FitzGibbon.—About the application of the money, Mr. Pender, you represent the largest denomination of Protestants in this district, what educational purposes do you say it should be devoted to?

Mr. John C. Pender.—I am against diverting it to non-educational purposes, and I think the Diocesan Council would be thoroughly of the same opinion, and to keep the Educational Endowment as close as possible to what Mrs. Drake would have wished. We also think that the National Schools District is too wide a phrase. It diverts the money from Protestant schools to Roman Catholic schools.

1056. Professor Daugherty.—What do you propose instead of National schools?

1057. Dr. Traill.—Would you take "National schools in connection with the Board of Education of the Diocese?"

Mr. John C. Pender.—Yes.

1058. Mr. Justice O'Brien.—You mean Protestant schools under the National Board?

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Mr. John C. Fowden.—Yes; I think our endowments provide for that. We propose to provide instruction in Holy Scriptures, technical education and so on, and then in clause 10a to make instructions in the Holy Scriptures the primary object of the application of the endowments. To amend clause 10b by striking out the provision that schools to be visited by special teachers shall be in connection with the Commissioners of National Education. Then we have a new conscience clause—

"No school to get the benefit of this scheme unless provision be made therein for the teaching of Holy Scriptures in accordance with the will of Urith Past, at such hour as will not interfere with the course of general instruction given in the school, and to such children only as those whose parents do not object to such instruction being given."

And then that each candidate shall have made 100 attendances at a school in the county of Wexford in connection with the Commissioners of National Education, or connected with the Board of Education or other primary school. There are one or two schools that are not connected with the Board of Education or the Commissioners of National Education, and we desire to include these.

1003. Dr. TRAILL.—Will that cover them all?

1003. Lord Justice FitzGibbon.—If you say schools under Protestant masters and Protestant mistresses, the definition would cover all schools within the intention of the founder. What area do you say ought to get the benefit?

Mr. John C. Fowden.—There is no use in limiting it to Whitechurch parish, because there are not five children there even to go to Sunday school, therefore we think we should take in New Ross.

Dr. TRAILL.—That is what we think, too. If you don't take in New Ross, you won't find Protestants to go to it.

Rev. Mr. Latham.—There is one point that ought to be looked to. The printed objection says that "power should be given to the owner of the Deane-Drake estate to nominate twelve instead of four exhibition candidates." The feeling of the Council was that the Governors, instead of having power only to nominate four as provided for in the scheme, should have power to nominate twelve, and that the owner of the Deane-Drake estate should have power to nominate as many candidates to compete as he should think fit.

Mr. J. W. Deane.—Another clause provides that:—

"Of the Representative Governors one shall be appointed by the Diocesan Council, one by the Governors of John Ivey's school, New Ross, and one by the Commissioners of National Education."

We have nothing to do with John Ivey's school.

Lord Justice FitzGibbon.—We could not allow the administration of the educational trust to remain in its present fluctuating condition.

Mr. J. W. Deane.—Mrs. Deane-Drake has recently executed a document appointing her daughter to act for her.

Mr. T. T. L. O'Connell.—I understand from the Act that the Governing Body cannot be altered.

Lord Justice FitzGibbon:—

"If the provision applicable to other charities was amended to or exceeds one-half of the whole of the endowment, the Governing Body of such endowment existing at

the date of the scheme shall, so far as regards its non-educational purposes, remain unaltered by the scheme."

Mr. T. T. L. O'Connell.—If you look at sub-section 4:—

"Where the Governing Body so remains unaltered, that body shall pay or apply for educational purposes such proportion as, under the former provisions of this section, is applicable to those purposes, or such less sum as may be fixed by the Commissioners."

Lord Justice FitzGibbon.—This fund is in the hands of the Commissioners of Charitable Donations and Bequests.

Rev. Mr. Latham.—Clause 10, sub-section 5, reads:—

"To provide a special teacher or teachers to give instruction under the Kindergarten system, and to make arrangements by which such special teacher or teachers may visit infant schools in connection with the Commissioners of National Education, within the school district."

I understand there are no infant schools, and the Diocesan Council suggest that the words should be "Infant Classes."

Mr. J. W. Deane.—Another thing. There are a good many vacant holdings in the district at the present moment and we may get persons who may come there, and very possibly every one of them may be Protestants, and we may be able to have a Protestant school there again. We should be at liberty, in that event, to withdraw the endowment from the New Ross school, and devote it to our own school.

1001. Professor DOUGHERTY.—I thought Mr. O'Connell proposed to divert it to apprentice fees?

Mr. J. W. Deane.—But we should be at liberty to take it back from the New Ross school.

Dr. TRAILL.—It is a very good idea. Get a Protestant population as soon as you can.

1002. Rev. Mr. Latham.—Is there any occasion to speak about the inspector?

Lord Justice FitzGibbon.—We will put that in certainly.

1003. Mr. T. T. L. O'Connell.—Will there be another sitting before the scheme is settled?

Lord Justice FitzGibbon.—No; we generally send down a reprint to the persons interested before signing. There are some matters we want from you. The first is a copy of the account for the last three years.

Mr. T. T. L. O'Connell.—You have that.

1004. Lord Justice FitzGibbon.—Then we want a continuation of the bank account showing the balance in hand down to the date you send it. I also want a written statement of your proposals. Your present objection was evidently sent in before you had formulated the alternative proposals you made to day.

I should like you to send in these alternative proposals before the first of November. I would ask you to formulate your alternative proposals on two bases—first on the assumption that you may utilize the income for the paralytic objects of the endowment; and secondly, on the assumption that we would refuse to divert the educational part of the fund from educational purposes.

Mr. T. T. L. O'Connell.—The amount available for Educational purposes is only £38 per annum.

Lord Justice FitzGibbon.—I understand from Mr. Fowden that the idea of the Diocesan Council is that it ought to be retained for educational purposes.

The inquiry then concluded.

PUBLIC SITTING—WEDNESDAY, OCTOBER 21, 1891.

Oct. 21, 91

At the Office, 22, Nassau-street, Dublin.

Present:—The Right Hon. Lord Justice FITZGERSON and the Right Hon. Mr. Justice O'BRIEN, Judicial Commissioners, and the Right Rev. GERALD MOLLOY, D.D., D.M., ANTHONY TRAILL, Esq., LL.D., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, M.A., was in attendance.

SCHEME No. 128.—THE BANKS ENDOWMENT, EYREBOURNE.

(OBJECTIONS AND AMENDMENTS.)

1065. Lord Justice FITZGERSON made an introductory statement referring to the Reports of the Commission of 1854-8, and 1878-80, as to the Eyreboorne School, and to the Draft Scheme lodged by the Commissioners of Education. He stated that the property consists of a good schoolhouse and offices in the town of Eyreboorne, and one acre of land, plantation measure, attached. These premises are held for lives renewable for ever, at the yearly rent of £3, late Irish currency, equivalent to £4 12s. 4d. present currency. These school buildings had become a burden upon the endowment. Although liable to a rent of £4 12s. 4d. they have been let at £3 a year, having an annual loss of £1 12s. 4d. The money endowment consists of a sum of £440 5s. 9d. Government Stock, in the books of the Bank of Ireland, in the name of the "Commissioners of Education in Ireland," in the accounts of the Commissioners designated as "The Eyreboorne Private School Investment." The Commissioners for many years had an objection to complicate their accounts with entries of interest, and, therefore, allowed the money to lie idle upon current account, and there accumulated a cash balance of over £100. He referred to the objections, and said that the Commissioners were prepared to hear the parties.

1066. Rev. J. A. Ford, Vicar of Donoughmore, said:—We object to clause 5, relating to the application of the endowments. If you take away the endowment I can never hope to open a school in the parish under Protestant management. Dr. Molloy has admitted that this objection was a very fair one. I suggest that when anything should happen requiring a re-arrangement of the endowment, we should be given this school or its money value. At the present time I am not in a position to open a school under Protestant teaching, but I hope in a few years to be able to do so. According to the present scheme a portion of the endowment would be taken away for ever. We have lost a considerable sum of money by letting this house at £3 a year—but whose fault was it? There was an application from a man in the neighbourhood to take the place at £10 a year, and he would pay rates and taxes.

1067. Professor DOUGHERTY.—It is worth £19 a year. Rev. Mr. Ford.—That may be so, but it has been let for £3.

1068. Messenger MOLLOY.—And yet you propose to give compensation to the man who has held it at that rent for seven years?—I am not talking of that objection now.

1069. But I want to point out the inconsistency of your position. Your case is that the place is worth £30 a year, and the Archbishop says it is worth £15; and yet you contend that the man who held it at £3 a year, with allowance for taxes, should get £25 compensation at the end of seven years.

Rev. Mr. Ford.—He spent £10 on the building, and that was an advantage.

Dr. TRAILL.—It was the fault of the Commissioners that £30 had to be spent on the roof. They should not have allowed the place to go into disrepair.

1070. Messenger MOLLOY.—But the fact remains that the tenant had a place, which you say is worth £10 a year, for less than £3!

Rev. Mr. Ford.—That is the fault of the Commissioners. I don't blame him.

1071. Messenger MOLLOY.—I don't blame him, but I cannot see any ground for compensation.

Rev. Mr. Ford.—That may be. This house is portion of the endowment, and we should be allowed for it, as we propose to utilize another house. You propose to take the house away and give nothing for it; and then in five years time, if I opened a school, I would not have any interest from the capital.

1072. Professor DOUGHERTY.—How long is it since the school was utilized as a school?—A very great number of years.

Dr. TRAILL.—Sixteen years.

1073. Messenger MOLLOY.—Did the trustees ever send a remonstrance to the Commissioners of Education for not turning the building to better account?—I don't know.

Mr. W. H. Gregory Esq.—I don't think they knew they were trustees at the time.

Lord Justice FITZGERSON.—The Vicar, who was one of the trustees, put the case in position.

Mr. Ford.—The land is worth £4 without the house. Any man in Eyreboorne would give that for it.

Rev. Mr. Ford.—It was Mr. Aldridge who let the premises.

Dr. TRAILL.—They thought proper for the protection of the place to put in an ex-pedimentum.

Mr. Ford.—He is a very good caretaker.

Messenger MOLLOY.—He took good care of the place, and has the land in excellent condition.

Mr. Ford.—It was maintained by the caretaker.

Rev. Mr. Ford.—We think a clause should be put in the scheme to give us compensation if I were to open a school.

1074. Mr. Justice O'BRIEN.—What would you propose to do with the house?—We would like to have it utilized, and we ask the value of it.

1075. You would not make the place a present to a National schoolmaster, and then ask the value of it?—We don't say anything about a present.

1076. Mr. Justice O'BRIEN.—You propose to sell the place to be used as a National school?—Yes.

1077. Lord Justice FITZGERSON.—Do you agree that you should utilize the place as for a National school?—Yes.

1078. But you say that the value of it should be practically added to the endowment by a rule, or what is practically equivalent to a sale?—Yes.

1079. If a National school in Eyreboorne is the best way of utilizing the building, and if such a National school should be the only one in the town effecting the object of the endowment, how can we make the object of a charity pay for the charity?

Rev. Mr. Ford.—If in a few years time I opened a school, it would be available for poor children.

1080. Lord Justice FITZGERSON.—If there was any near prospect of your being able to do so, it would be of great weight, but Dr. Trill at the inquiry thought even the most enthusiastic Protestant could not reasonably expect the opening of such a school.

Mr. Justice O'BRIEN.—The enthusiastic Protestant forget the circumstances of the school having been closed for sixteen years.

1061. **Dr. TRAILL.**—If the premises were sold at present, the money received should be added to the capital, and from that with the other funds you would give the interest to the National school. It is in the power of those interested in a National school to give the £200, and all you claim is that when you could open a school you should get the value of the premises!

Rev. Mr. Ford.—Presently.

1062. **Monsignor MOLLOY.**—You say that under the scheme you would get no value from the building!—Yes.

1063. You would get a school carried on in the buildings, to which the children of Eyre court could go for their education!—If I open a school I should get the compensation.

1064. You don't object to give the buildings for a school at present, provided your claim to get back the buildings is reserved!—Yes, exactly.

1065. And you claim the right to get them back in case you open a school at any future time!—Yes.

1066. **Lord Justice FRYGEMAN.**—The fairness of your claim depends on the possibility or probability of certain circumstances arising. There is a recital that a parochial school in connection with the Church was erected in Eyre court, but that pupils ceased attending, and the school was closed. When was that school opened!—In 1832, I think.

1067. How long was it in existence!—I don't know.

Mr. Fyfe.—Since Mr. Aldridge came in, the school was in the parochial house, which was used as such.

1068. **Monsignor MOLLOY.**—What use is made of the building now!—It is the parochial house.

Archdeacon DALY.—It is a school to which children of the charity could go. We do not want the other schoolhouse. I offered Bishop Healy in Eyre court to sell the school, and I said if he applied to the Commissioners of National Education for the value of this school we would hand it over for ever. It would cost them nothing whatever, for if the Commissioners had to build a schoolhouse for him, a *fortiori*, as a school is already built, it would cost them nothing. As the Commissioners give money to the public everywhere in Ireland to build schools it would cost them less to buy the building already there. The bishop sent a reply that he could get nothing from the Commissioners.

1069. **Mr. Justice O'BRYEN.**—I suppose he conveyed to you that he did not intend to buy what nobody had authority to sell!

Archdeacon DALY.—As there were trustees there was somebody with a legal title.

Mr. Justice O'BRYEN.—I don't think there was any authority to sell the building.

1070. **Monsignor MOLLOY.**—This building was erected out of the endowment to be a school for the poor of Eyre court!—Yes.

1071. And you propose to sell it now to the people for whom it was built!—I don't agree at all in that. In the will there is a clause that is lost sight of—that the education of the children should be in accordance with the religion of the trustees, and that the Protestant catechism should be taught in the school. Two of the trustees could be nothing else but Protestants.

1072. You have a perfect right to nominate children, but I cannot see that you have a right to deprive the people of the school that was built for them!—There were no nominees for the last few years. The matter was left altogether in abeyance before the Royal Commission. We do not want to deprive the children of the school.

1073. **Lord Justice FRYGEMAN.**—In the report of 1838 it appears there then was a school to which pupils were nominated. It was a division of the charity to other purposes, and there were pupils who were not Protestants. These pupils all paid. The amount went to pay the teacher. He received very little compensation, and he got payment for the children's teaching. If the trustees had Protestant pupils enough to nominate, and nominated them under

the will, nobody could interfere with their discretion, but when they had the power of nomination the school was not exclusively attended by Protestants. In their discretion they selected Roman Catholics as well as Protestant children. It may be said that because there was an insufficiency of Protestants they filled their places with Roman Catholics. Their duty was to nominate poor children, and if they did not they would be neglecting or violating their trust.

1074. **Dr. TRAILL.**—It appears as if these Roman Catholic pupils were nominated by the trustees!—On the contrary that was not the case, and the proportion was six Protestants to four Roman Catholics, and the latter all paid.

1075. **Lord Justice FRYGEMAN.**—There were no free scholars at all, and there was no distinction between Protestants and Roman Catholics in 1838.

Archdeacon DALY.—There was no nomination.

1076. **Lord Justice FRYGEMAN.**—That does not appear. The trustees were bound to nominate.

Archdeacon DALY.—The Head Master admitted the children and got payment for them. The very small endowment would not be sufficient for the maintenance and education of ten pupils. I would say that it is not sufficient to maintain and educate more than two pupils.

1077. **Monsignor MOLLOY.**—But in any case you must first have the school to send the children to.

Professor DONOVAN.—This small endowment can be made available.

Archdeacon DALY.—I argued at the inquiry below that this small endowment could be made available to maintain and educate, as the trustees thought fit, one of the Eyre court children at another school, and I argued for the Ballinacorney school.

Rev. Mr. Ford.—We want it confined to Eyre court. We want the school there.

1078. **Monsignor MOLLOY.**—And we are providing a school there for you, in the schoolhouse erected for that purpose out of the charity.

Archdeacon DALY.—We have built a school at our own expense, and we don't want the other. We are going to open a school in our own building, and we want the value of the endowed school given to the teacher in our own school.

1079. **Monsignor MOLLOY.**—Schools have been opened and in a short time closed in Eyre court. We were told that one policeman going away with his family accompanied the closing of a school. Our scheme should provide for the permanent maintenance of a school; but a school which would depend on the coming or going of a policeman with two or three children would be very precarious.

Archdeacon DALY.—The trustees must repeat what is done with the money, and if the school is closed we are bound to account to the Commissioners. If we do not utilise the endowment we would hand it to the parish priest.

1100. **Lord Justice FRYGEMAN.**—You must remember that there is only one school in Eyre court—the only National School to which the children can go. That would be a school to which the trustees could nominate pupils, and so get the nearest thing to what is wanted, but not in a school under Protestant management. The occasion for such a sale as you propose would only arise in case of your opening another school under Protestant management in Eyre court!—Yes.

1101. How could we work out a clause by which a sale of the premises would take place at some future and contingent time! The National Board could not take the title. Nothing could be done. Even in the case you put, that a school was opened under Protestant management, there is a parochial house already built with Protestant funds, available for the Protestant school, so that you have every advantage towards opening a Protestant school, which you could have from realising this building. Accordingly it comes round to this—that you want some of the objects of the testator's charity to pay for getting the use of part of the endowment.

Archdeacon Daly.—But the first objects of the testator were not Roman Catholics.

1103. Admitting that the Roman Catholic children were not the first objects of the bequest, it appears quite plain on the will that so long as there are poor children in Eyecourt, even though they are all Roman Catholics, the trustees are bound to nominate them.

Archdeacon Daly.—The question is whether there are sufficient Protestants in Eyecourt to be educated from the charity, or whether the charity is sufficient to educate them. If you settle the money consideration for the schoolhouse in the scheme it should be added to the endowment. Then the whole interest will go to the present National School, so long as we have not a school of our own. When we have a school of our own, we should have the money endowment, and the money value of the buildings as at present.

1105. **Mr. Justice O'Banion.**—There is a proposition now to pay a rent of £10 for this house, which is valued at £19 a year; that proposition was made the day before this sitting commenced—it was made yesterday. At present the property which you are asked to present to the parish priest represents a deficiency. He would be liable to the rent of £4 12s. 6d. a year, and the place is let for £3. How does it come that the trustees never ascertained the value of the property until the Commission proposed to make use of it for the National School?

Archdeacon Daly.—Because they never took it into their heads to sell until this inquiry was held.

1104. **Lord Justice Fitzgerald.**—There is another remarkable thing to be mentioned. In the report of 1893, it is said—

"The original trustees are open to grave censure for having allowed the fund to be diverted from its destination. The maintenance of a charity school is of the essence of the trust, and from the beginning this should have been a charity school in the most emphatic and vulgar sense of the word. There is a anticipated blame attaching to the present trustees for acting in a trust without making themselves acquainted with its nature, when a search in the Prerogative Court could have put them in possession of the will of the founder and enabled them to carry out its provisions."

That report is thirty-six years old, and the trustees have not been able to do anything since, but the Commissioners are spending three or four pounds a year more upon the property than they get back.

Archdeacon Daly.—I am not here to defend parties who may have neglected their duty. Although I have been connected with the diocese for the last twenty years it was only within the last six months I knew there was such an endowment. The place has been left derelict.

1105. **Lord Justice Fitzgerald.**—That could not be for want of public notice or inquiries.

Archdeacon Daly.—Certainly, I did not know of it more than twelve months ago. Mr. Ford has been only in the parish for a very short time. The trustees were changed constantly, and one of them, the Bishop, lived in Kildare.

Lord Justice Fitzgerald.—The Commission received drastic powers that opened the eyes of the people. We want to have a scheme drafted that would be acceptable to all classes, and what we get before the Commissioners is fair and equitable.

1106. **Professor Douglass.**—What value do you put on the buildings?—I proposed to the Roman Catholic Bishop that we should leave the matter to arbitration; that I should name one gentleman, and he should name another, and that the two arbitrators should select an umpire, the decision to be final.

1107. Have you formed an idea of the value of the property?—No. They are fine large premises. There is an acre of land attached worth more than £4 a year, and that at twenty years' purchase would be worth a good deal.

1108. **Mr. Justice O'Banion.**—One would think you were making a claim as a tenant against the landlord.

Archdeacon Daly.—The place is certainly worth £10 a year, and at twenty years' purchase it would be £200.

1109. **Dr. Traill.**—You would not get twenty years' purchase for buildings?—Well, I would say seventeen years.

1110. **Professor Douglass.**—Was this policeman an unmarried man?—No, he had a large family.

Mr. Eyre.—He required the schoolhouse. He had twelve or fourteen of a family.

1111. **Dr. Traill.**—Dr. Molloy, in some of his remarks, thought that the trustees were responsible for putting him in there.

Archdeacon Daly.—No, nor did Mr. Eyre put him in, but the Commissioners of Education applied to Mr. Aldridge. He took possession on behalf of the Commissioners from Mr. Eyre, one of the trustees, and set the place at this ruinous price. The Commissioners of Education are solely responsible for putting the man in there. I saw as good a crop on the land lately as you could see anywhere. The Poor Law valuation is £19 a year; it cannot be worth less than £15 a year, and even that would not be the value.

1112. **Monsignor Molloy.**—Mr. Aldridge received the rent for several years, and sent it to the Commissioners in Dublin?

Archdeacon Daly.—Yes, at the request of the Commissioners. He acted as their agent.

1113. **Monsignor Molloy.**—He acted as their agent in putting in the tenant, and receiving the rent.

Archdeacon Daly.—Mr. Aldridge could not use the place as a school.

Mr. Eyre.—It has been stated that my father set the house to tenants, and filled the lands. Now, I have filled the land. There were arrears in different divisions of the house at times, and undesirable tenants they were.

1114. **Monsignor Molloy.**—I believe I was the author of the statement referred to, and my authority is the document before us—the name for arrears drawn up on behalf of the Commissioners of Education, when they wanted to get possession of the premises. Here are the words:—

"On resigning in the year 1873, the then Master of Eyecourt gave the key of the premises to the said Mr. Eyre, who has since let the house to several tenants, and his, or himself, grants the ground adjoining, and though application has been made to him by the Secretary of the Commissioners of Education for an account of his receipts as a trustee of the endowment, he has taken no notice of such applications."

The case goes on to say:—

"Letters have been received by the Commissioners of Education from the Bishop of Kildare, and from the Rev. Mr. Aldridge, calling attention to these facts, and that the house and premises are being rapidly ruined by the present tenants, and urging on the Commissioners the necessity of putting a stop to the present state of things, and making the property beneficial for the purpose of the trust."

Archdeacon Daly.—The Commissioners act under the provisions in the Act of Parliament in regard to the wishes of the founder, and I ask now that they would do what I suggest, and put a claim into the scheme fixing how the value is to be ascertained.

1115. **Mr. Justice O'Banion.**—As you advert to the Act of Parliament, what was the spirit of the founder in this matter?

Archdeacon Daly.—The spirit of the founder is as clear as possible when he nominated two Protestant trustees and their successors to act as trustees.

1116. **Mr. Justice O'Banion.**—If I gave property by my will to you or Mr. Ford as trustees, with certain conditions as to providing a school for Roman Catholics, would you not carry out the object?

Archdeacon Daly.—I would consider the "household of faith" as belonging to my own people first.

Lord Justice Fitzgerald.—This charity was never intended to be taken away from Eyecourt.

Archdeacon Daly.—The schoolmaster was paid for years, and he was a Protestant.

1117. **Dr. Traill.**—He charged the pupils fees.

Archdeacon Daly.—Yes, but his salary was very small.

1118. Dr. TRAILL.—He did not exclude Roman Catholics?

Archdeacon Daly.—No. The will speaks for itself. I would argue that if as stated in the will, "as they and their successors shall think fit" an absolute discretion is left to the trustees to nominate the children they please, and that you could not interfere with their discretion.

1119. Mr. Justice O'BRIEN.—Supposing you were Catholics, would you exclude Protestants?

Archdeacon Daly.—Yes, if we had the priority of nomination. So long as property is vested in trustees to manage at their own discretion, so long as they exercise their discretion you cannot interfere, and so long as they have children of their own desecration to nominate no court would interfere. If we have no pupils of our own we would nominate others.

1120. Mr. Justice O'BRIEN.—There is no common law right to the endowment, or that you should exercise a preference for one or the other.

1121. Lord Justice FRYGROUSE.—You could not exclude the poor children from the benefits of the endowment?

Archdeacon Daly.—If the terms of the trust be that so long as I am trustee I shall exercise my discretion, I should do so.

1122. Lord Justice FRYGROUSE.—You have succeeded at present the practical use of the building is for the only National school in Eyre court, and it is under the management of the parish priest. The question then is only as to the terms, and how that object is to be carried out.

Archdeacon Daly.—Yes.

1123. There is the practical difficulty. You cannot give away the school and keep the right to take it back. You want to turn the premises into money, and to add it to the fund. The difficulty then is that you want to make certain objects of the charity pay for it, when as a matter of fact there are no other objects at present.

Archdeacon Daly.—We have got no children now.

Dr. TRAILL.—When you get this money you expect the objects of the charity will appear.

1124. Monsignor MOLLAT.—Did any of the ten children arrive since we were down there?

Archdeacon Daly.—Not that I know of.

Rev. Mr. Ford.—At the inquiry I stated there were eight children—six attending the Roman Catholic school, and two attending Kilmaree school—about two miles distant. There are two more who would be able to attend next March or in Spring. There are two or three who would be ready next May.

1125. Monsignor MOLLAT.—They are maturing very rapidly!

Archdeacon Daly.—My contention is that the endowment is too small to educate eight pupils, or even less.

1126. Professor DOUGHERTY.—Do you consider a policeman a poor person?

Archdeacon Daly.—I do. Some of them are hardly able to keep themselves.

1127. Mr. Justice O'BRIEN.—The caretaker is a police pensioner?

Archdeacon Daly.—Yes. He had a large family.

1128. Mr. Justice O'BRIEN.—After the disuse of the school for years you want to exchange it, and get the money for something that may be contingent?

Archdeacon Daly.—We have no objection that the National school should be opened; but we object to let a single portion of our fund go away if we can.

1129. Monsignor MOLLAT.—We have no guarantee that the school you propose to establish will last longer than any of its predecessors.

Archdeacon Daly.—If at any time we shut the school there is a clause that the Commissioners of Education may formulate a scheme. I don't object to that.

1130. Lord Justice FRYGROUSE.—Have you anything to add, Mr. Eyre?

Mr. Eyre.—The Archdeacon has said all that I could say on the subject.

1131. Mr. Justice O'BRIEN.—How long is it since you succeeded to the estate?—About two years.

1132. You did not get the rental?—No.

1133. Not yet?—No. With regard to the £35 compensation to the caretaker, I always thought he was there at an undervalue, and when Mr. Ford asked me about it I said I would agree to anything he proposed for him. I did not say I would agree to £25, but I would agree to £15 to split the difference, and to get up the quiet possession.

1134. Mr. Justice O'BRIEN.—Is it from the ex-policeman?

Mr. Eyre.—Yes; I looked on him more as a caretaker than a tenant. I had the legal authority under the Land Act. I told him to go and get a fair rent fixed. I considered the house worth £15 a year, and the land worth £5. I believe that £25 would be too much to give this man. I do not think he had got more money on that house than any other who had it would have done. The landlords did not keep up the house.

1135. Lord Justice FRYGROUSE.—It appears there were 365 inhabitants in Eyre court in 1881, and 473 in 1891?

Mr. Eyre.—In 1882 there was a population of something about 1,500, but the number has been going down ever since.

1136. Mr. Justice O'BRIEN.—Are you the owner of the whole town of Eyre court?

Mr. Eyre.—No.

1137. Monsignor MOLLAT.—If the school property was sold under Lord Ashbourne's Act, what would it realise?

Mr. Eyre.—I would say that the school building is good value for £300. I would have no objection to sell my interest in the £410.

Archdeacon Daly.—The schoolhouse in Eyre court is a very good building. It is the only fine house left in the town. It is the best house in the town. It has a good roof.

Rev. Mr. Ford.—The house is built with Wickham.

Mr. Eyre.—It was always an apocryphal Father Madden, who said "we will have it yet." In 1788, when the endowment was created by the Rev. Mr. Banks, there was a good feeling existing between the Roman Catholics and Protestants, and, I believe, that up to 1891 there was a similar feeling. I am most anxious to see a good National school erected in Eyre court, for the sake of the poor children, or even rich children; but, along with a good school I would be most anxious to have a first class teacher for Eyre court National school, and I would rather and scholars there than anywhere else. I have a nephew living with me at present, and I have to procure for him in the evening the services of a teacher who lives three miles away. I believe it would be an advantage to me and to everyone, if there were a first class teacher at Eyre court, for the sake of having the children properly educated.

1138. Mr. Justice O'BRIEN.—Would first of the second class do—we might have a difference about that?

Mr. Eyre.—The school is a white elephant to the Protestants. They don't want it.

Monsignor MOLLAT.—It is no white elephant if it is used for the purposes of education.

Mr. Eyre.—In some poor districts I go to in Ireland, where the managers of schools are the parish priests and curates, they have excellent schools. The Commissioners of National Education advance sums of money to them.

Monsignor MOLLAT.—They only advance two-thirds of the total cost.

Archdeacon Daly.—They could not build such a school as this building is for £300. If we got two-thirds of that we would be satisfied.

1139. Dr. TRAILL.—You don't want the whole of that money?

Mr. Eyre.—Fifty pounds would go but a little way in altering the building to make it suitable for boys

and girls schools. There never would have been a word about this if the Rev. Mr. Madden and Archbishop Daly had not carried on a discussion in the papers.

Archbishop Daly.—Oh, we are very good friends.
1140. Mr. Justice O'BRIEN.—Were these letters published in the papers?

Mr. EYRE.—Yes. I am very glad they were only in one of the local papers.

1141. Lord Justice FRANKLIN.—Are there any more practical suggestions you would wish to make?

Mr. EYRE.—No.
1142. You think the premises should be used for a school in Eyre court?

Mr. EYRE.—Most certainly; and if it was not used for a school I am sure that a tenant could be had who would pay at least £10 a year for it.

1143. Dr. TRAILL.—Would you put a larger sum at the disposal of the trustees for the benefit of the school, and buy the school for the manager? The question is, whether the value of the buildings is to be added to the cash balance of the endowment—that is £140 and £113, and other endowments, and the interest of the whole to be spent on the children in the school, Protestants getting the preference, according to the discretion of the trustees?—Mr. Ford's contention is that when he shall establish a Protestant school he should get portion of the money. I don't believe that he will get a small school to work properly. It has been tried before, and has always failed. If there is to be proper education it must be done in one large school under proper management. The population of Eyre court has gone down greatly. It would be better for the Protestants to go to a large school under a proper teacher; and money could be applied for the benefit of the Protestant children in the first instance. It would be wiser if they were to apply to have a large school with a good teacher, and that they should have portion of the money representing the value of the buildings invested for them.

1144. Professor DOUGHERTY.—Would you like to see the management restricted to Protestants?

Archbishop Daly.—I would not say that. I would like to call attention to Clause 6 of the scheme, the last paragraph:—

"Provided always, that if at any time any school, other than the school established upon the premises described in the first schedule hereto, shall be established in connection with the Commissioners of National Education, in or near the town of Eyre court, the trustees shall be at liberty to apply the income received by them from the endowments towards the maintenance of such school, so long as poor children shall be educated therein, and as it shall remain in consonance with the said Commissioners."

Ask what are the endowments referred to in that clause?

1145. Lord Justice FRANKLIN.—You want to increase the endowment to which that contingent clause applies. I cannot see where the £200 for the school premises is to come from unless out of the pocket of the manager of the Roman Catholic school, or out of the public purse. I cannot see why the public purse should be applied to, as there is a good building in existence, and, therefore, it comes to the proposal that the manager of the existing school is to pay into bank £200, on the contingency that at some future time there may be a school established exclusively for Protestants. Dr. Traill says he does not believe in the possibility of anything of the kind.

Archbishop Daly.—We say that we should get more than £200.

1146. Where is it to come from?

Archbishop Daly.—I would say from the public purse. It could be got from the Commissioners of Education under certain conditions.

1147. You want the existing school building to be bought for a school by public money?

Archbishop Daly.—Yes.

1148. The Commissioners would not think of advancing public money for a schoolhouse when there is one already in existence.

Archbishop Daly.—If Bishop Healy made a representation to the Board he would be able to build a school there to-morrow.

Mr. Justice O'BRIEN.—I think it would be illegal for the Commissioners to give capital money to be invested and expended afterwards for future education.

1149. Lord Justice FRANKLIN.—You could not get it out of the public purse without concealing the fact that you were going to keep it as you propose. How could you get money lent to build a schoolhouse, and then invest it contingently, getting an existing schoolhouse in exchange?

1150. Rev. Mr. Ford.—I would ask, suppose a schoolhouse were private property, like the Church Education Schools, and it was to be put under the management of the National Board, would the Commissioners of Education give public money to buy it, or provide the money?

Lord Justice FRANKLIN.—Of course they would, if it were private property, but not if it was held in trust for the education of the poor.

Archbishop Daly.—Looking at this as a property that any two trustees should offer for sale in order to have a larger sum to carry out the trusts of the will, they would have the discretion to apply the money to educate the children in the place.

1151. Lord Justice FRANKLIN.—You could only give a receipt for the £300 as received upon trust for the education of poor children. The Board of Works would say—"We cannot give this money. We should be giving money out by one hand which was taken back with the other for the same purpose."

1152. Monsignor MOLLOY.—But supposing that the National Board would advance two-thirds of the sum that was wanted, where is the other third to come from?

Archbishop Daly.—If the Board send down their Inspector to examine the school, and he would say the two-thirds would not be too much to give, I am sure they would take into consideration giving the full sum.

1153. Then would you expect the Inspector to estimate that the value of the building is £300?

Archbishop Daly.—No, I would say that the cost to be paid by them would be less than £300.

1154. How are we to put that into the scheme?

Archbishop Daly.—It would be a great hardship on us to open a school if we were not to get the interest on the value of the endowment.

1155. What you suggest to us is that you are to get £200 for the buildings, and that the parish priest is to borrow two-thirds of £300 from the Board, and invest it for you?

Archbishop Daly.—If the Commissioners say they will advance so much we will take that in full discharge.

1156. They will not advance anything unless one-third of the total expenditure is provided in the locality. If they advance £300 they will require £100 to be subscribed locally. How can we provide for that?

Dr. TRAILL.—The National Board would only advance the £300 on the guarantee of one-third being paid—that is £100.

1157. Monsignor MOLLOY.—Mr. Ford makes a new proposition—that we should provide the local share of the expenditure out of the capital of the endowment, so that practically the people would pay nothing; one-third would be taken out of the fund, and the remaining two-thirds would be obtained from the Commissioners.

Archbishop Daly.—The Commissioners would find no difficulty in arranging the last paragraph in the sixth clause of the scheme, and meeting our wishes in that way.

1158. I don't think your proposition can be carried out without concealing from the National Board what they are entitled to know.

Archbishop Daly.—There can be no concealment in such a public matter as that.

1159. Then I don't think you can get the money in the way you propose.

Archdeacon Daly.—Well, if we do not I think we should be allowed to put up the buildings to the largest biddings, and let the Commissioners purchase if they choose to do so.

1160. Why should that be done seeing that the buildings have been erected as a school for the education of the poor children of Eyrecourt?

Archdeacon Daly.—For children of our nomination. We nominate our own children first, and it is for them we want the money.

1161. To educate the children yet must have a school, and that is what we are trying to provide for you.

1162. Lord Justice Fitzgerald.—Now, are not all these proposals simply devices to get a sum of money out of this place from the public purse to endow certain nominated pupils of a National school?

Archdeacon Daly.—Yes, because the endowment is too small for the purpose.

1163. And the addition which you want to make by whatever device it is to be done is the price of the existing buildings. I cannot see, by any possibility, how you can enlarge the endowment by getting paid for part of the property held for the very same purpose. The moment it was stated to the National Board that the object was to get additional funds for the trusts by disposing of the buildings and getting public money to add to the existing endowment, they would decline to do it.

Archdeacon Daly.—Under the rules of the National Board a teacher would not be allowed to be established in a school within three miles of any existing school.

If there is a large school for Roman Catholics in Eyrecourt, the Protestant children can have no National school to attend.

1164. That rule does not apply in any case where there are different religious denominations. You could have a Protestant National school if there were any number of Roman Catholic schools, provided you had pupils enough, but the National Board would not aid a school with an attendance of less than ten children.

1165. Professor DOWDNEY.—Would you think it a desirable thing to establish a wretchedly small National school for the purpose of educating ten pupils?

Archdeacon Daly.—Yes; I would have my own Protestant children in my own school. I speak from great experience.

1166. We are constantly told in the North of Ireland that the mixed schools work admirably.

Archdeacon Daly.—It is quite different in other parts of Ireland, as we know by experience. We want to establish a school for ourselves, and to have the endowment left to us, and have the poor children educated by us, and if the Commissioners will carry that out it will do a deal to advance a proper scheme.

1167. Monsignor MOLLOY.—The Commissioners of Education communicated with the trustees by letter within the last four or five years, and asked them to suggest a scheme for the administration of the endowment in Eyrecourt, and their proposal then was to provide for the education of one or two pupils from Eyrecourt in one of the Boyed Schools.

Archdeacon Daly.—But circumstances have been altered since.

Rev. Mr. Madden.

Rev. Mr. Madden examined.

1168. Mr. Justice O'BRIEN.—Have you got anything to say, Father Madden, in reference to this scheme?

Rev. Mr. Madden.—There are five Protestant children on the rolls of the National school at present, and three of these are children of the ex-policeman.

1169. How many Roman Catholic children—males and females—are there in the school?

Witness.—In 1890 there were fifty-four. In the last report it appears there were fifty-five boys, and forty-six girls. There is only one Protestant girl in the school at present. Two have gone away. Two of them were children belonging to the ex-sergeant, and another was a child belonging to another policeman. There were four Protestant boys attending the school, two of them being sons of the ex-policeman.

Mr. Eyre.—Mr. Madden knows more about the Protestant children than I do. I would have no doubt that if a proper site could have been got for a school under proper management, there would have been nothing like this trouble. Under the best rent, and with a proper title, Father Kirwan could have a good school under the Board.

1170. Professor DOWDNEY.—Would you prefer to have an good large school open to all denominations, or would you prefer that there were two schools, one of them a small struggling school, with a maximum attendance of only ten pupils?

Mr. Eyre.—I would prefer a really tip-top school, if I could be satisfied as to the qualification of the teacher.

1171. Lord Justice Fitzgerald.—What is the qualification of your teacher, Mr. Madden?

Rev. Mr. Madden.—He is attending the second class training.

1172. Would you have any objection to a condition being attached to this scheme, that the teacher should be a trained teacher, not below the second class.

Rev. Mr. Madden.—I accept that condition.

Monsignor MOLLOY.—I may call attention to one of the objections by the Archdeacon, where he says that "according to its present wording (in Clause 5 of the scheme) a raw and untrained teacher, with a

third class certificate, could enjoy the use of the endowment." Now, the scheme provides that there must be a trained teacher.

Archdeacon Daly.—A trained teacher?

Monsignor MOLLOY.—Yes.

Archdeacon Daly.—Well, a third class teacher would perhaps be a trained teacher.

Monsignor MOLLOY.—You say that an "untrained teacher" could enjoy the use of the endowment, whereas our scheme provides that the teacher must be trained.

Archdeacon Daly.—Well, it may be wrong. We do not press the clause about giving the £15 compensation to the caretaker.

Rev. Mr. Ford.—The reason that was put in was because this policeman's mother-in-law is there with the family, and she is in a frail condition.

Monsignor MOLLOY.—I think the man deserves credit for the way in which he has kept the place. He is a very decent man, and he has taken good care of the house and land.

1173. Lord Justice Fitzgerald.—Would it not be wise to make some provision for a reasonable sum of money on giving up? You may otherwise have to spend money in recovering the possession.

Mr. Eyre.—I would not object to the £15 for the work done.

1174. Monsignor MOLLOY.—Fifteen pounds is not excessive. Do you think he would give up possession on getting £15?

Rev. Mr. Ford.—Yes, I would say so.

Professor DOWDNEY.—Better to do that than to give it to the lawyers.

1175. Lord Justice Fitzgerald.—We will consider all these matters carefully, and revise the scheme, and you will have another opportunity of discussing them before the Privy Council if you are not satisfied.

Archdeacon Daly.—We are very much obliged for the attention with which you have listened to us.

Monsignor MOLLOY.—If you go before the Privy Council you will have the advantage of our not being represented there.

PUBLIC SITTING—FRIDAY, OCTOBER 23, 1891.

OCT. 23, 1891.

At the Office, 23, Nassau street, Dublin.

Present:—The Right Hon. Lord Justice FITZGERBON and the Right Hon. Mr. Justice O'BRIEN, Judicial Commissioners; and the Right Rev. GERALD MOLLOY, D.D., B.Sc., ANTHONY TRILL, Esq., LL.D., M.D., F.R.G.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, M.A., was in attendance.

SCHEME No. 135.—THE CHARLTON CHARITY.

(OBJECTIONS AND AMENDMENTS).

1175. Lord Justice FITZGERBON.—This is an important and difficult matter, and we are prepared today to hear objections to our draft scheme. The Charlton Endowment was created under the will of Thomas Charlton, dated August 28th, 1792, by which he bequeathed the annual rental of his estates at Carrstown, near Narvas, in Meath, and of Mooteleaf, near Edgeworthstown, in Longford, and what personal effects he should be possessed of at the time of his death as a marriage portion fund of £6 16s. 6d., late Irish currency, equivalent to six guineas sterling, to any day labourer's son of said or other adjacent counties, in case no residents should be found in said counties of Meath and Longford, being such before and at the time of marriage, from fifteen to thirty years of age, who should marry with the consent of her parents any day labourer's daughter of said counties, from fifteen to forty years of age, producing a certificate of such marriage solemnized in presence of and signed by the Minister and Churchwardens of the parish where said girl lives, to their personal knowledge or best information, or best information of reputable neighbours to said girl's parents. The will provided that the members of Parliament, and the Sheriffs, or any two of them, for the counties of Meath and Longford, should be trustees to manage the fund; and that two-thirds of the rents of the lands should be distributed in Meath, and the remaining third in Longford, so as no day labourer's family should have more than one daughter portioned by the fund, until all such day labourers' families in said counties of Meath and Longford were first once served. The matter afterwards, in 1836, went into Chancery; for a long time the number of claimants did not exhaust the fund, and a considerable sum was accumulated. In 1877—forty-one years after the original scheme—a provision was framed for the administration of the surplus. It provided first that all couples who were qualified under the original scheme should first get not six guineas, but £25 as a marriage portion, as and when all who could so claim had got their portions the remainder should then be divided ratably amongst those who could produce certificates of qualifications, not including marriages by a Protestant clergyman. If in any year the surplus should prove inadequate to pay £25 each for the preferential portions, they should be increased to such lesser sum as the surplus funds should be adequate to pay. As to the working of the scheme, the evidence brought before us tended to show it had been in some respects extremely unsatisfactory, but there is a difference of opinion on this matter, even between the Bishops of the different dioceses concerned. One unsatisfactory feature of the present arrangement arose from this, inasmuch as the Protestant claims fluctuated every year, and £25 was withdrawn from the funds for each portion before the surplus was ascertainable, the total surplus was liable to great fluctuations. Even then the amount of the portions was subject to a further fluctuation, because the number of shares depended on the number of claimants. The Roman Catholic portions in one year descended as low

as 37s. 6d., while in the other years they ran up as high as £17, but in no year, so far as I understand, has the whole fund been exhausted by the claimants who had priority. We had evidence on matters of detail tending to show that the arrangements could be very much improved by giving opportunity for local discussion of the claims, announcing the results and other matters. As to these, when we have settled the lines of the scheme, we will do our best to make it a practical machine. The main questions that suggest themselves are—first, whether the charity is in its nature, one in which Protestants have a priority, or preference, or an exclusive right. No doubt the certificate to be produced under the will was, in the vast majority of cases, a certificate of marriage between Protestants, but on the law made at the time, a legal marriage could be solemnized by the clergy of the Established Church, whether it was a mixed marriage or even a marriage between Roman Catholics. There was nothing further in the will indicating a denominational character in the objects. What has been done with the property? The Lord Chancellor, in 1877, had that very question before him, when he determined what was to be done with the surplus. The law is different when dealing with a surplus arising on failure of the original purposes. The Lord Chancellor's principle was that those who could produce the certificates had the first claim, and he gave them not six guineas but £25, as a sum of money of permanent use, and more beneficial than six guineas. He made this a prior charge in dividing the surplus, the principle upon which he proceeded was that the first right to the endowment was in those able to produce the certificate, but if they failed to exhaust it the nearest objects of bounty was to be chosen. Day labourers' sons and daughters were the objects. Different views might have been presented, such as that Protestants in other counties were the nearest objects. However, he decided that the surplus should go to Roman Catholics of the two counties. As a matter of fact, the money has gone—about one-half to Meath and one-half to Longford. That was contrary to the original intention of the testator, for he gave two-thirds to one county in case there were claimants; it was only if there were not claimants that it was to be given promiscuously. Though each county got approximately the same total amount, we find that the average annual amount given to Protestants in Longford was £184, and to Roman Catholics, £142. In Meath, the average annual amount given to Protestants was 479, and Roman Catholic claimants, £247. We have now the very difficult question to consider—what principle to proceed upon? One view was that we should keep up the priority claim for the Protestants before Roman Catholics got anything. There is a very great practical difficulty in adopting that contention, practical difficulty, because if there is a priority claim, we cannot tell how much will be left. On the other hand, if we abandon the priority claim, on what principle are we to go? The principle of averages appears inconsistent with the principle of priority, because the

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number of the preferred marriages differs in different years. We thought we might propose to fit the amount to go to the Protestants, and also the amount going to each county. Speaking roughly, we proposed to divide the amount of the Charity half and half. But I am afraid we have not satisfied any party. But if the dissatisfaction on both sides is the same, it may follow that the scheme is what it ought to be. The first objection is that of the Protestant Bishop of Meath, Dr. Reichel. He accepts the general principles of the draft scheme, but would much prefer that the whole fund should be devoted to the advancement in life, or to technical education, than to marriage portions. We have found in different parts of Ireland strong difference of opinion as to the utility of marriage portions compared with portions for the advancement of education. We thought the local boards should have power to distribute the money according to their own views on this question.

We have next the objection of Dr. Nulty, the Roman Catholic Bishop of Meath, who puts forward for those of his Church a claim not merely to smaller or greater portions of the endowment, but to what he describes as their "full and fair share of the whole."

Dr. Woodlock, Roman Catholic Bishop of Aradagh and Clonmacnoise, accepts the scheme generally, but thinks that instead of the Longford portion of the endowment being divided equally between Protestants and Catholics, a more equitable basis for division would be in proportion to the relative numbers of Protestants and Catholics, agricultural day labourers, in the county of Longford, as shown by the Census of this year, 1861.

The Meath and Longford Protestant Committees put forward an objection in principle, to the transfer of any portion of a purely Protestant charity to Roman Catholics.

The Navan Board of Guardians object on principle and as to matters of detail. A number of other objections have been sent in, and all will now receive due attention.

The Most Rev. Dr. Nulty (Roman Catholic Bishop of Meath).—It appears to me that there are some new views, that are of importance dealing with this question, that have not yet been developed or placed before the Commissioners. I have only read, within the last three days, the report of the evidence taken before the Commissioners at a former sitting, and after reading this I have come to the conclusion that there are some important new views put forward.

1176. Mr. Justice O'BRIEN.—As I recollect, when we held the Inquiry at Navan, it was said that you were absent, but that a Catholic clergyman was appointed to represent your views.

Bishop Nulty.—I wasn't honest the time. I suppose he gave all the information he could, but I do not think he represented me. I had no conversation with him.

It was the Rev. Mr. Woods who attended?

1177. Rev. Mr. Woods.—Yes; but I stated that the Bishop did not give me any instructions to represent his views.

Mr. Justice O'BRIEN.—At any rate you gave us a great deal of assistance.

1178. Bishop Nulty.—At the time Mr. Chaiton made his will there was a great and extraordinary advance in the growth of English industrial products, which set in in the last half of the 18th century, and before the century expired England had become the workshop of the whole world. Well, the hands engaged in the great national industries multiplied so much, that the result was that their necessities and requirements soon created an enormous increase in the demand for food. The working of the corn lands amounted to a prohibition of any importation of bread stuffs from abroad, and the increased demand from abroad demanded a corresponding increase in the production of cereals. Hence the agricultural productions came to be carried on in Ireland, and proved a most prosperous industry. The county of Meath, from the extreme fertility of its soil,

and its exceptional suitability to the production of wheat and corn, and cereals of all descriptions at once became a great ground for this remunerative labour. Accordingly, by far the greater part of the county was laid down in tillage, and it was devoted almost exclusively to the agricultural industry. Now, the superficial area of the county was between 500,000 and 600,000 acres, it was perhaps more than 600,000, but at the present moment there are only about 150,000 acres under tillage, and about 400,000 acres in pasture. From all the statistics or particulars I could get, I would almost expect that those conditions were exactly reversed at the time of the Charlton Bequest in 1791. Now the agricultural industry spread over such a vast area in the county that it required an enormous supply of labour. This supply was not forthcoming in the county, at least not so much as in other counties. Then the Meath farmers held out high remuneration for labour. The labour remuneration they held out was such that they attracted vast crowds of migratory labourers, harvestmen as they were called, and sometimes Cornsought men, from all parts of the country, from Monaghan, Cavan, Roscommon, and Leitrim and other places. I have myself been an eyewitness to the regular influx of these migratory labourers into Meath. I have seen them come in batches of 200 and 300, and even 500. They came regularly every year in thousands, and they dispersed themselves over the whole county, wherever they imagined that labour was demanded, and where they thought it would be most remunerative to them. Well the work at which the farmers employed the labourers—and I saw them myself at it for more than forty years—the work was principally reaping the grain—cutting down the oats, and wheat and barley, and sometimes taking up the flax, but they were principally employed in cutting down the crops, and sowing or collecting them. Well, this work that the farmers had for them to do was an exceptional thing. They could not employ the men for reaping the harvest until the harvest was ripe, and when the crop was fully matured, the time for its maturity did not last long, and if that time passed without the work being done, the farmers were ruined. The farmers had to get the work done at any cost, because it had to be done together with all the other work. On the other hand these migratory labourers, as a rule, were attentive and thoughtful, and were extensively clannish, and fully anxious for the advancement of their own interests. They fully understood the necessities of the farmers. They saw they were plainly at their mercy, and could extract from the farmers any wages they thought fit to demand, and they got them. They frequently exacted unjust sums. The farmers had to feed them, and put them up in the best way they could, and yet, often without rhyme or reason, these labourers levanted, and left their employers, although knowing there were vast tracts of barley and wheat to be reaped and these pointed in many instances for want of hands to reap them down. The result was that the farmers were discouraged with the migratory labourers. They wanted to get rid of them, but could not dispense with their services, and then the idea occurred that they could produce the local labourers, and have a supply of local labour of their own. Mr. Charlton is put down very often as an erratic, odd, and cranky man, and would have no reason for the multiplication of the labouring population. At the time agricultural interests were flourishing so much that it reached all classes, land proprietors, and farmers, and all classes. On the other hand, it appeared that the supplies of labour were not forthcoming, that there was exertion on the farmers, and that the labourers could not be retained. Hence, every one felt it necessary that there should be a local supply of labour—a supply that would be steady and effective—that would be at home on the spot; and also that there would be labour always for the men. It was for this reason that Mr. Charlton undertook to create this scheme.

Now, Mr. Charlton's scheme appears to be admirably adapted for the purpose. In the first place he required that the age of the girl should be from 15 to 40, and the ages of the boys from 16 to 30, evidently aiming at a view to early marriages and large families, and with the view of supplying the labour, which was then, and there required. Then again, another point I want to notice is that he split up portions of his property in sums of £6 16s. 4d., as an inducement to labourers to marry, and to extend the population. Hence I have stated in my objection, First—"The great object at which Mr. Charlton's will manifestly aims is to encourage and stimulate the multiplication of lawful marriages amongst the labouring populations of the counties of Meath and Longford, where his property principally lies." That became more applicable among the Catholic classes. There are no Protestant labourers—or scarcely any at all—in Meath. I also said in my experience of the county for many years I never met in my life more than twelve Protestant labourers there. Undoubtedly there may have been some, but they were very few. I think I saw in Dr. Keene's evidence that from 1857 until the present day there were only two Protestant applications from Navan—a most important parish—and that one of the applications was admitted, and the other refused. I see in your own scheme in reference to the returns of marriages for Meath, the average was about three every year, and there were not, I think, so many. Then I observe that Dr. Keene in his evidence says, in answer to question 245,—"That the fact of the matter was the Protestant population was above the other Mr. Charlton wanted to increase; that the Protestant population was never let down to the level of ordinary day labourers. Of all places in the world in which the day labourer's condition is the most miserable it is in the same county of Meath." Therefore, I say that as Mr. Charlton's view in establishing this bequest was to increase and multiply the labouring population, and to supply the labouring population so badly needed, and to endeavour to maintain the agricultural industry, it was evident that this charity should be, or this fund should be distributed not only among Protestants but among Catholics, but also from the terms of the will that the Catholics should have the main part of it, for there were no Protestant day labourers there then or since of any note. There may have been one or two here and there, but at the present time I do not know of one. I have been twenty-six years in the county as a clergyman, and I know every inch of it, and I know the Protestants and Catholics in it, and I don't know of any Protestant labourers at all. That class was essentially Catholic.

1179. Dr. TRAILL.—Would this not be a scheme to increase the population of Protestants, who were very few?

Bishop Sully.—I agree that there were very few. 1180. Then that was a reason to increase them—the fewer the better object?

Bishop Sully.—Mr. Charlton's object was to supply labouring men. It was with the view of bringing the income of the estate in small sums of £6 16s. 4d. for distribution among the poorer classes, and the Protestant classes were not there to receive it. It was the Catholics who would absorb the whole of it nearly, and the Protestants only a fractional portion of it. The labouring population were purely Catholic.

1181. Do you think he wanted to proselytise the people there by marriage?

Bishop Sully.—No, every single person in his employment was Catholic—the servants and his steward.

1182. Why did he insist on them being married before the church, in presence of the minister and churchwardens?

Bishop Sully.—That is another question.

1183. I would like you to explain that?

Bishop Sully.—Here is the view taken by Lord Chancellor Balfour. Under that scheme of his we received, I believe, an average annual amount during

thirteen years of £357 to the Roman Catholics, whereas the Protestants received an average of £79.

1184. That refers to Meath only?

Bishop Sully.—I am speaking only of Meath. I have no information as to Longford. I am speaking of the marriages during the last thirteen years. The Courts of Chancery held that no man, Protestant or Catholic, had any right to this marriage portion except under the terms of Mr. Charlton's will. Anything that we got was under the will. The fact of getting this £357 was a practical declaration that we had a right to it under the will. The money was Mr. Charlton's, and could not go away except under certain terms and conditions. The Court of Chancery gave us a decree which manifestly declared we had a right to a claim on the fund.

1185. They declare that you had a right, but that it was only when the other right failed?

Bishop Sully.—I will return to that. It appears that the Court of Chancery had no right to create new charges, and that they had no right or title whatever. They had a right to explain, and to ascertain, and define pre-existing rights, and not to create new ones.

Dr. TRAILL.—That is what the Protestants contend also.

Bishop Sully.—Therefore I say that Lord Chancellor Balfour would be the last man to transfer the sum from one denomination to another. I think he would be the last man to do it. That is according to Mr. Gorman's report. I believe we got the same opinions from the present Lord Chief Baron, and Lord Chancellor Balfour, opinions to the same effect—that this was not an exclusively Protestant charity. It may be said that we got a substantial slice of the charity, considering the amount we got, but that was by mere accident. We got into a position of inferiority, but, please God, we will rise yet to a position of equality.

1186. Mr. Justice O'Hanlon.—Perhaps it would be a matter of convenience?

Bishop Sully.—The peculiar character of the English legislation, and of English law was ever to force a new principle to remove the first in its anxiety. We thought that English legislation was essentially progressive, but on the contrary they found it was reactionary. We have got into a position of inferiority here, but after a while we will rise out of that position and claim our portion of perfect equality.

1187. Dr. TRAILL.—And you will try and have the land without paying rent at all?

Bishop Sully.—No; equality is all we want. The tenants want nothing but fairness and justice. I want to say this further, I object to the scheme firstly—on the ground that it is not progressive, but reactionary—distorted proportions were not allowed in Meath in the first instance, and that our proportions stood as three to one of this fund, and now the Commissioners propose to divide the gross equally.

1188. Do you speak of Longford and Meath or of Meath alone?

Bishop Sully.—Of Meath alone. You would make the scheme now not progressive but reactionary. You would make the scheme to be divided half and half. I object to be dispossessed of the vested rights that we have without cause.

1189. Dr. TRAILL.—The priority was given to the Protestants, and if that priority was taken, you would get nothing at all.

Bishop Sully.—That was merely temporary. We will get out of that. We will rise out of it in time.

1190. Dr. TRAILL.—You would get nothing except for the absence of the Protestant.

Bishop Sully.—I maintain that in the end there will. The other matter is that it appears to me that from the bequest made in the interests of the labouring classes, and from the purpose that Mr. Charlton had in view, I think it is hardly right to eliminate that money from the purpose for which he expressly bequeathed it, and converting it from marriage portions to support technical education. Then I totally object to the effect of the scheme for giving the portions of

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the money equally between Longford and Meath, whereas two-thirds were to be given to Meath and one-third to Longford. That was the express wish of the testator.

1191. Dr. TRAILL.—You are in favour of the testator's will when it is in your favour?

Bishop Nulty.—I am in favour of carrying out the terms of the will. I think there is no restriction in it. I am in favour of carrying out the express intentions of the testator. It is not an exclusively Protestant bequest, and therefore I say that we have a right not merely to the surplus but to the fair measure of the will, and we will get that in the course of time, please God.

1192. Lord Justice FITZGERSON.—You were speaking of the division of the money between the two different counties, and between Roman Catholics and Protestants in certain proportions.

Bishop Nulty.—Yes.

1193. Our averages are taken on fourteen years, and the payments made in single years were very capricious. In 1883, £34 was paid in Meath to Roman Catholics, and £125 to Protestants; next year £318 10s. to Catholics and £100 to Protestants. In 1885, £385 was paid to Roman Catholics and only £90 to Protestants, but in 1887 £115 10s. was paid to Roman Catholic claimants and £125 to Protestants. The way the Meath average became so large to Roman Catholics was from four or five years out of the fourteen. In 1888 it was £467 15s. What we have sought to do is to give the distribution into the hands of the Local Board, who might spend the whole of the money each year, or might keep it over so as to meet large demands in particular years.

Bishop Nulty.—I say that they would not make a fair division or divide the fund equally. In reference to the two counties, I would say I cannot see why we should be excluded in any way.

1194. Dr. TRAILL.—If there were Protestants enough you would get some of the money at all.

Bishop Nulty.—I cannot help that. I say that the Catholics should be on an equality with the Protestants, and we will be yet.

Dr. TRAILL.—The Chancery scheme does not do that. Bishop Nulty.—We will get it all right yet.

1195. Monsignor MOLLOY.—Mr. Gorman was examined at the last sitting held by us, and he has written since, forwarding a copy of the joint opinion of the Law Officers of 1873, on a case submitted to them by the Government of the day. As regards the case itself he says:—

"It cannot be found in the office, and my impression is that it was returned to the Irish Government, on whose behalf it was submitted, or forwarded to Sir Patrick Maxwell, for the purpose of the proceedings instituted in Chancery."

The Law Officers at the time were the present Chief Baron Pollock and the late Lord Chancellor Lush, and it may be well that the principal points of the opinion should be read, because it bears on the question whether the charity had a denominational character.

Dr. TRAILL.—I would like to hear it all, because it would be of importance.

1196. Monsignor MOLLOY.—Here is the opinion:—

"This Charity is in an extremely unsatisfactory condition. It appears that for many years past it has been impossible to find persons strictly fulfilling the conditions of the bequest."

1197. Dr. TRAILL.—"Strictly fulfilling the terms of the bequest."—That is as to Protestants!

Monsignor MOLLOY.—The words are:—

"It appears that for many years past it has been impossible to find persons strictly fulfilling the conditions of the bequest, sufficient in number to exhaust the income of the property, and thus, after providing marriage portions for all such persons, sum of £4,513 stock, and £1,750 cash have been accumulated from the surplus income. We are of opinion that the primary intention of the testator was to provide portions on the marriages of sons of day labour-

ers resident between the counties of Meath and Longford, between fifteen and thirty years of age, with daughters aged between fifteen and thirty, of day labourers of such condition, such marriages being with the consent of the girl's parents. The provision requiring every claimant to produce a certificate of such marriage solemnized in presence of, and signed by the minister and churchwardens of the parish in which such girl should live, &c., &c., was, in our opinion, subordinate to the above primary charitable intention, and cannot properly be regarded as imposing such a condition or religious test as to exclude the objects of the testator's bounty to members of the late Established Church. We are of opinion that, in the events which have happened, the Court of Chancery would direct a proper application of the fund, and substitute for the obsolete certificate contemplated in the Will, legal evidence of a marriage celebrated according to the existing laws. We think that, as a rule, it is convenient that proceedings in relation to a case circumstanced as the present is, should be under the control of the Commissioners of Charitable Donations and Bequests for Ireland. We advise, therefore, that the papers should be laid before that Board, with a request that they will, at their early convenience, inform the Crown and Treasury Solicitor whether they will undertake the charge of the matter. In the event (which we do not anticipate) of the Board declining to interfere, the papers should be again submitted to us."

1198. Lord Justice FITZGERSON.—I never saw this opinion before. It does not apply to persons *ex post*. It seems to be an opinion as regards trusts which it was impossible to get persons actually to fulfil.

Monsignor MOLLOY.—The opinion is that there was no denominational character attached to the trust.

"We are of opinion that the primary intention of the testator was to provide portions on the marriages of sons of day labourers, resident within the counties of Meath and Longford, between fifteen and thirty years of age, with daughters aged between fifteen and thirty, of day labourers of such condition, such marriages being with the consent of the girl's parents. The provision requiring every claimant to produce a certificate of such marriage solemnized in presence of, and signed by the churchwardens of the parish in which such girl should live, &c., &c., was, in our opinion, subordinate to the above primary charitable intention, and cannot properly be regarded as imposing such a condition or religious test as to exclude the objects of the testator's bounty to members of the late Established Church."

1199. Lord Justice FITZGERSON.—It does not specify what was the primary intention. It is in effect only what has happened—that the Court of Chancery would apply the fund *ex post*, where the fund could not be applied to the actual purpose for which it was founded.

Mr. Justice O'BRIEN.—There is the declaration in the opinion that it was not a denominational scheme. I think Monsignor Molloy is right in his construction of it.

1200. Lord Justice FITZGERSON.—The opinion is as to what the Court of Chancery ought to have done. The present question is what the Court of Chancery did, and what we ought to do.

Bishop Nulty.—I think it would appear that the fund was open to all religions.

1201. Dr. TRAILL.—The Lord Chancellor was of opinion that the money should be given to Protestants, but that the amount granted should be increased to £15, because there were not enough Protestants to exhaust the fund, and then that the surplus should be given to Roman Catholics.

Bishop Nulty.—You were not able to carry out your claim, because there were not Protestants enough.

1202. Lord Justice FITZGERSON.—This opinion of the Law Officers was given in 1873, and I find the concluding paragraph is:—

"We think that as a rule it is convenient that proceedings in relation to a case circumstanced as the present, should be under the control of the Commissioners of Charitable Donations and Bequests for Ireland. We advise, therefore, that the papers should be laid before that Board, with a request that they will, at their early convenience, inform the Crown and Treasury Solicitor whether they will undertake the charge of the matter. In the event (which we do not anticipate) of the Board declining to interfere, the papers should be again submitted to us."

That opinion was given on October 21, 1873, and then it was ordered by the Board—

"That a case be at once submitted to Board's counsel for his opinion and advice whether under the circumstances of this case the present powers of the Board extend to enable them to institute such proceedings as are pointed out in the opinion of the Law Officers of the Crown."

Proceedings were then taken under which the decree of 1877 was obtained, which dealt with the *cy pres* application of the fund only. The scheme is confined to the management of the surplus fund of the rents and dividends arising or accumulating on the estate. It is called the "Charlton Charity Surplus Income."

MONSIEUR MOLLAY.—It may be observed that there was a change of Government between the time the opinion was given and the time the Chancery Order was issued. The Lord Chancellor of the Tory Government did not give effect to the opinion expressed by the Law Officers of the Liberal Government.

DR. TRAILL.—But the Tory Chancellor did carry it out.

MR. JUSTICE O'BRIEN.—Lawyers' opinions are sometimes just as different as political opinions.

1203. REV. J. B. KEENE.—I have already expressed my views. I asked the Bishop, Dr. Bishol, who is unable to be here, if he had any views to state, and this is his letter written to myself:—

"As I shall be unable to attend the meeting of the Commissioners next Wednesday, I will lay before you a few considerations arising from the printed objections or suggestions relating to the draft scheme for the Charlton Fund. The arguments which prove that the fund was intended by Mr. Charlton for Protestants alone are so conclusively stated in the paper sent in by the Rev. Dr. Healy and the Rev. Dr. Keene that it would be more waste of time to recapitulate them. Against them there is absolutely nothing in Dr. Nulty's statement except an alleged knowledge of Mr. Charlton's intentions on the part of Dr. Nulty, which must be set aside as nothing short of supernatural revelation, inasmuch as Mr. Charlton has left no document except his will, from which his intentions can be gathered, and this will is corroborated, according to Dr. Nulty with three great 'mistakes,' which prohibited and positively defeated his intentions. The reasoning seems to be:—Mr. Charlton must have intended his bequest for the benefit of the whole labouring class, Roman Catholics and Protestants, in the two counties in which lay his estates; therefore, all the provisions by which the will excluded all Roman Catholics from that benefit must be set down as unfortunate 'mistakes.' In other words we are to gather the intentions of the Testator not from what he actually says and does, but from our own inner consciousness of what he must have intended to do. This supposed intention of his moreover being in direct contradiction to what he has actually done. If such a principle were once admitted in the Probate Court or in the Court of Chancery there would be wild work in the interpreting of a will. If on the other hand Mr. Charlton's intentions are to be gathered from the terms and provisions of his bequest, they may be safely set down as aiming not at the more rapid multiplication of early marriages among the Roman Catholic labouring population (a quite unnecessary object) but at the more rapid multiplication of the Protestant labouring class. Protestants have never been in the habit of contracting early marriages, and therefore have not multiplied so rapidly as Roman Catholics; and Mr. Charlton evidently wished by dissuading such marriages, to encourage the Protestants to multiply as rapidly as Roman Catholics then did. He was a Protestant and naturally anxious for the interests of Protestants and their not being swamped in the race of increase. If, therefore, the intentions of the Testator, so far as they can be discovered by natural means are to be decided, no part of the bequest ought to be imparted to Roman Catholics. But I am not disposed to go back from my assent to the scheme of *cy pres* division proposed by the Commissioners, though I wish it to be understood that I regard it as a gift to our Roman Catholic brethren, not as a right of theirs. I would much prefer, however, that the whole of the rent alienated should be spent in the better educating and placing out of deserving young persons, instead of its being primarily devoted to the encouraging of early and generally improvident marriages. Be so good as to communicate these views fully to the Commissioners."

1204. LORD JUSTICE FRY.—Mr. Charlton's will provided that the trustees were to be the two high sheriffs of the counties of Meath and Longford, and the four members of Parliament for the two counties. The marriages were to be solemnized in presence of, and the certificate signed by, the minister and churchwardens of the parish. I thought few Catholics would comply with that condition. Bishop Nulty says that Catholics in many instances got married by Protestant clergy in order to obtain the grant.

Bishop Nulty.—I know of several instances in different parishes, and I have heard that a Rev. Mr. Butler married numbers of Catholics who wished to qualify themselves for this bequest.

1205. MR. JUSTICE O'BRIEN.—And did the parties come and tell you this?

Bishop Nulty.—They did.

1205A. MR. JUSTICE O'BRIEN.—As informers?

Bishop Nulty.—They were conscious of doing wrong.

REV. MR. KEENE.—Bishop Nulty spoke strongly as to strictly adhering to the terms of the will. What we say is that there is no clause in it giving the surplus to Roman Catholics.

1206. LORD JUSTICE FRY.—What do you say to the point, that by the strict words of the testator's will, there were not Protestant claimants to exhaust the funds at any time?

REV. DR. HEALY.—Is that true before the emigration set in?

1207. FROM 1836 to 1877 there was an accumulation of £11,000. The scheme for the disposal of the surplus did not touch the rights under the first scheme, except that the amounts of the portions are increased. If, in the words of Mr. Charlton, every person coming forward with a certificate of marriage from the minister and churchwarden and these only were entitled to a marriage portion of six guineas, would it at any time have exhausted the fund?

REV. MR. KEENE.—Certainly we could not do it now, and we, therefore, desire a scheme.

1208. THEREFORE in dealing with the draft scheme, I wish both sides to understand that we have to deal with a property that cannot be disposed of in the very words of the testator. To so much as can be so disposed of, the *cy pres* doctrine cannot be applied at all. The question is what amount of money is wanted for the actual thing. If there is money over, what should it be given to? There are some startling figures in the last Census of Meath, giving not only the numbers, but the occupations of the inhabitants of the county, and under the heading of "agricultural labourers," "cottagers," "general labourers," Bishop Nulty's argument is accurate to this extent, that the disproportion between the Protestants and Roman Catholics is largest in the class which include agricultural labourers. These are the figures—agricultural labourers, general labourers, and cottagers, 6,990 Roman Catholics; 234 Protestant Episcopalians; Presbyterians, none; Methodists, none; all other persuasions, none. Then there is a note as to general labourers, that the majority of them may be assumed to be agricultural labourers. It says the numbers are—general labourers, Roman Catholics, 3,119; Protestant Episcopalians, 29. That is a sub-division of the other classes.

REV. MR. KEENE.—As to the intention of Mr. Charlton, when Bishop Nulty says there were thousands of migratory labourers coming to the county, I am convinced if there had been employment for them during the whole year, plenty would have settled down according to the laws of supply and demand.

1209. I confess I do not see what bearing that argument would have, for harvest labourers usually go to England for the season.

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Rev. Mr. Keene.—I think the provision for early marriages in the will was a plain proof that Mr. Charlton wished to multiply the class he referred to. If multitudes were flocking from all quarters to the county I cannot think that the farmers were so destitute of labour as has been suggested.

1210. Dr. TRAILL.—If the adjoining counties were taken in for both girls and boys would there be sufficient numbers for the benefit of the charity?

Rev. Mr. Keene.—I think the will shows conclusively that if there were not a proper number in the two counties Mr. Charlton intended the charity should extend to the adjoining counties. He made that provision in contemplation of the possible failure of his plan.

1211. Lord Justice FRYGROUSE.—But it seems to have been held in Chancery on both occasions that only one of the marrying parties—the husband—could be taken from beyond the counties of Meath and Longford?

Rev. Mr. Keene.—Yes, but the testator himself conceived the idea of extending the number of counties. It would have been wholly unnecessary to go beyond Meath and Longford to find a sufficient number of day labourers to whom the money could be applied, if the intention was to include Roman Catholics in the scheme.

1212. Lord Justice FRYGROUSE.—The rental has been pretty steady?

Rev. Mr. Keene.—The rental it failed to work was that the Protestants, through their isolated position, had but little means of contact with others of their own faith. There should have been a matrimonial agency to make the scheme successful.

Archdeacon NUGENT.—I was acting as secretary to the Meath and Longford Protestant Committees, representing the Diocesan Council, in presenting their objections. They object in principle to the transfer of any portion of a purely Protestant charity to Roman Catholics. Their reasons were that the trustees appointed by Mr. Charlton were Protestants, and the requirement that the marriages were to be celebrated before the Protestant clergyman and churchwardens. We felt that very few Roman Catholics would comply with that condition. With regard to the surplus, if the original object of the will was carried out—namely, marriage portions—I do not think we should object to the scheme proposed by the Commissioners, because we felt that as we could not exhaust the fund there would be no general objection to transferring a portion of the surplus to Roman Catholics, but if it is applied not merely to purposes for the Roman Catholics but also to technical education, we felt that in Meath we would have plenty of candidates to absorb the surplus of the whole fund. The committee got us to prepare a statement of what they felt—that as the Commissioners were extending the fund to technical education there would be plenty of applicants.

1213. Lord Justice FRYGROUSE.—Bishop Nulty thinks that is progressive legislation. He would not object to the scheme if it was confined to marriage portions. What would you say in the juxtaposition of feeling in Meath on giving a discretionary power to the Commissioners to advance money for apprentice fees, training fees, and the like?

Archdeacon NUGENT.—So far as I can make out, there is a general consensus of opinion in favour of applying part of the fund to education.

1214. Mr. Justice O'BRIEN.—Would you say the whole fund?

Archdeacon NUGENT.—So far as I am concerned, from my experience I would not be in favour of applying any of it to marriage portions.

1215. Lord Justice FRYGROUSE.—We have heard evidence favourable and unfavourable on that point. We have had evidence unfavourable to it from clergymen of both denominations. On the one hand there is a feeling that marriage portions are not desirable. On

the other it is said that they have been of use to newly-married persons. We had a similar Charity brought before us—the Charity at Rush—but it was confined to a particular estate. We got a body of evidence from that place—that the fund was useful, and was well applied; but it was distributed by the two leading clergymen, dealing with a limited area, where they knew all the people, and there was the great advantage that the marriages did not take place till the portion was settled; that the amount of the portions was fixed and considerable, and that power was given to the trustees to give a fee instead of a portion to a girl if she wanted to become a teacher.

Bishop NULTY.—So far as my experience goes, the scheme as to the marriage portions has worked satisfactorily in the county of Meath.

1216. Lord Justice FRYGROUSE.—What good or harm in my view of the case could be done by a marriage portion of 37s. or 38s., or by a portion which a couple can only know after marriage what they are to get? On the other hand, a marriage portion of £25 would be something substantial, but tends to abuse. There was one case where the married parties, when they got the money, separated at the church door.

Bishop NULTY.—I don't think the portion ever came down so low as 37s. or 38s.

1217. Lord Justice FRYGROUSE.—It did so once, but it had been £3, £3, £4, and £7.

Archdeacon NUGENT.—There was a Charity called the Deseraphy Charity in Kells. The parties concerned were Roman Catholics, and they always felt that it was intended by the testator for the Roman Catholic children.

Bishop NULTY.—It was in the hands of trustees.

Archdeacon NUGENT.—Our argument is that the trustees appointed by Mr. Charlton would be only Protestants, and that was accentuated by the fact that the marriages were to be celebrated in the presence of the Protestant minister.

Bishop NULTY.—The marriages have been celebrated by Catholic priests.

Mr. Justice O'BRIEN.—The parish priest would have no legal right to do so. He could not take the position of an official personage as the clergy of the Church of England did.

Archdeacon NUGENT.—Another point is that we would prefer to have accepted members on the Commission or members to be elected by the Diocesan Council, and not by the Board of Guardians, who would not look favourably on the Protestants. In the next place we would say that the marriage portions should be £15. If you give £10 it might only be squandered, but £15 would be sufficient to buy a cow. Cattle have increased in price.

1218. Mr. Justice O'BRIEN.—Do your Commissioners name £15 in their objection.

Archdeacon NUGENT.—Yes, they do.

1219. Lord Justice FRYGROUSE.—If we come to an understanding about the amount at their disposal, we might give the local gentlemen some discretion as to the amount to be given in each case.

Archdeacon NUGENT.—If you give them that discretion I am afraid it would lead to abuse.

1220. MARRIAGE MONIES.—I find that the Protestant Bishop accepts the proposal that the funds should be equally distributed between Catholics and Protestants. I could understand the position that the Protestants should get the whole of it, but I cannot see on what principle it is to be equally divided.

Rev. Mr. Keene.—The Bishop writes:—

"If the intentions of the testator, so far as they can be discovered by natural means, are to be decisive, so part of the bequest ought to be imparted to Roman Catholics. But I am not disposed to go back from my assent to the scheme of equal division proposed by the Commissioners

though I wish it to be understood that I regard it as a gift to our Roman Catholic brethren, not as a right of theirs."

1221. Dr. TRAILL.—Would it be right even to give that if there is a demand for more?

Monsieur MOLLOY.—So far as I can see no reason has been given why the fund should be distributed half and half.

1222. Lord Justice FRANKEN.—The rest of us came to the conclusion that if there was to be a division at all, it should be half and half, as there was more to be said in favour of that division than any other. It was wanted to compensate in some way for the priority, but no doubt a practical difficulty appears if we take the two counties. Representing half and half is statistically right enough on both together, but taking them separate the Protestants in Longford would get less in proportion than they got before, while in Meath the Roman Catholics would get considerably less.

Dr. TRAILL.—The average annual amount paid in Meath to Protestant clergymen was £79 and to Roman Catholics £257, and the Protestants in Longford, during the 13 years, got an average annual sum of £186, and the Roman Catholics, £149.

Rev. Mr. Keene.—The Bishop held very strongly that Mr. Charlton's intentions were in favour of Protestants only.

Lord Justice FRANKEN.—But the Charity, according to its original intention, could not be spent entirely on Protestants.

Rev. Mr. Keene.—The Bishop not being at home I am not prepared to say anything more.

Monsieur MOLLOY.—It appears that the question was brought under the notice of the Government about the year 1873; they referred it to the Law Officers of the day, and the Law Officers gave the opinion that the trust was not impressed with a denominational character.

Lord Justice FRANKEN.—There is no question that until very lately a legal marriage could have been solemnized by the Protestant Clergymen, no matter what was the denomination of either or both of the parties. Dr. Nulty has told us of some cases, and we have heard it mentioned before, though we had no specific information, that Roman Catholics had got married in presence of Protestant clergymen in order to get the Charlton money. The marriage was perfectly binding in that case. There would be no question that legal objections, but there is no question that mixed marriages could be legally solemnized only in that way, until recently.

1223. Bishop NULTY.—Would a marriage by a Catholic clergyman between two Catholics be recognized as founding a claim to the bounty?

Lord Justice FRANKEN.—Not by the words of this will, according to those solemnization of the marriage to be in the presence of the Protestant clergyman.

1224. Bishop NULTY.—Would a marriage celebrated by a parish priest between two of his parishioners be recognized by the civil law, and could a claim be founded on it?

Lord Justice FRANKEN.—It has been treated as essential to get a portion from the fund that the certificate of the minister and churchwardens shall be produced.

1225. Professor DOUGHERTY.—Would such a marriage have been a legal marriage at the time of the will?

Lord Justice FRANKEN.—Certainly, it would be a legal marriage.

Dr. TRAILL.—But it would not be one coming under the terms of Mr. Charlton's will.

Lord Justice FRANKEN.—I don't think that the marriage of two Roman Catholics by a Roman Catholic clergyman was at any time in the history of Ireland looked on as anything but a legal marriage in the eye of the law.

Mr Justice O'BRIEN.—The succession to property in this country followed that law. During the Elizabethan time, and the time of Queen Anne, there was nothing to affect the legal solemnization of marriage by Roman Catholic priests.

Bishop NULTY.—I don't think it was so in England. Lord Justice FRANKEN.—The question might arise on legitimacy, and I don't know that it was ever held that a marriage of Roman Catholics in such a case was not legal.

Mr Justice O'BRIEN.—Even when an estate was taken away in Conventual times, succession was always recognised as regards the matrimonial matter.

Dr. TRAILL.—That is a strong argument for the Charlton will.

Rev. Dr. J. Healy (Rector of Kells).—I have been looking carefully into this matter, and I think I can introduce some matters that have not yet been brought forward before the Commission. I would like to say a word or two as to what Mr. Charlton intended. A great deal has been said about legal marriages, but if he believed that no marriage was legal but a Protestant one, would that not be an argument that he intended only Protestants to benefit by it.

1226. Mr. Justice O'BRIEN.—How do you make out that it was his impression or opinion that no marriage was legal that was not performed by a Protestant clergyman?

Rev. Dr. Healy.—I don't suppose he thought of it at all. It is given as a supposed reason, or solution, for the condition he imposed.

1227. Mr. Justice O'BRIEN.—Would not the ceremony be performed publicly, and he would have public evidence of the marriage, that would admit of no fraud or imposition on him?

Rev. Dr. Healy.—In 1793 the Roman Catholic Bishop of Meath was as strong-minded a man as the Roman Catholic Church ever saw in Ireland, and he was not likely to allow his rights to be trampled upon by anybody.

1228. Mr. Justice O'BRIEN.—What do you say as to the present one?

Rev. Dr. Healy.—I should say he is like Dr. Plunkett, and that is giving no more prizes as we could give him. It is not merely one bit of evidence, but to take them altogether, we have the actual words that Mr. Charlton used, and then the safeguard, that the trustees should be Protestants and could not be anything else. If he wished he could have put in trustees, where there was no question of religion at all involved. It has been very often stated in regard to these schemes, that the character of the trustees told us what was the mind or the meaning of the testator. His lordship here describes Mr. Charlton as a quiet Irish squire, who does not seem to know much, and who made a very stupid will, but you must remember that he was the friend, and probably a relative, of Mr. Wolff, the Attorney-General at the time, for he was made executor of the will. The Attorney-General made an affidavit that he knew Mr. Charlton, and that he was acquainted with his handwriting, and he interprets the will in the Protestant sense, and he ought to know how it was. We have no reason for agreeing with Bishop Nulty that Mr. Charlton did not know how to make his will, or that he would fill it up with mistakes.

1229. Mr. Justice O'BRIEN.—He did not anticipate those mistakes.

Rev. Dr. Healy.—Then as to the circumstances of the time, Bishop Nulty speaks as if there were very few Protestants at the time. With regard to that, the Roman Catholic Bishop, Dr. Plunkett, proposed to take up his residence in Narin, and the Protestants there protested against it, and said they would not allow him to live there. I may leave it to you what class of Protestants they were.

1230. Mr. Justice O'BRIEN.—Were they good Protestants?

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Rev. Dr. Healy.—They were of the lower class undoubtedly. The Protestants were sufficiently numerous in Navan at the time to make it a risk for a man like Bishop Plunkett to take up his residence there. It is put down as an example of Bishop Plunkett's liberality and fairness that he went to live in the town of Navan, where Mr. Charlton lived, in face of all the Protestant opposition. There must have been a great number of the lower class of Protestants there then. The latter class would not show such bigotry or intolerance, and the labouring class naturally belong to the lower class. When you come to look at the population of the country, we can only go back to 1821. The population of Meath was then 159,193; in 1881, 53,301. The population of Longford has not decreased quite so much as Meath, but it has very sensibly decreased. Putting Meath and Longford together they have lost about 100,000 between 1821 and the present time. That is the nearest we can go to the time of Mr. Charlton's will.

Bishop Nulty.—In 1841 the population of Meath was 143,000.

1251. Lord Justice FitzGibbon.—There was a great increase up to 1841.

Rev. Dr. Healy.—I am going back as far as we can get the census returns. The population of Meath was then double what it is now. The Bishop has pointed out that Meath at that time was not like what it is now. You see green fields now, but at that time there was a great deal of tillage, and there was a large proportion of labourers.

Bishop Nulty.—They had to be imported.

Rev. Dr. Healy.—As a matter of fact the population of day labourers was much larger, and when Mr. Charlton lived the Protestant portion of the population of Meath and Longford was quite enough to use up all the marriage portions that he provided. It is stated that there was an accumulation of the fund in 1836. How did that accumulation come about? Was it because of the number of Protestants having decreased? It was not, but the trustees appointed a man named Thomson as receiver, and he allowed the tenants to keep the money in their hands. In 1836 the exact amount due from tenants who had not paid had accumulated to £4,140. There was only £238 in bank. If the income of the Charlton Fund were able to pay all the claims of those who were able to qualify under the will and did no more, that surplus at the present time would amount to £13,000 at 5 per cent. Therefore, if the Charlton money had been able to pay all the Protestant claims from 1836, instead of having £8,000 there would have been £13,000.

1252. Lord Justice FitzGibbon.—There were other classes of expenditure. In 1873 there was £4,193 worth of stock, and about £750 cash. The case was then made that this had accumulated from surplus income. The point you make is valuable so far as to show that £4,000 was recovered from the tenants.

Rev. Dr. Healy.—I am talking of 1836 now.

1253. Lord Justice FitzGibbon.—We had evidence that up to that time Roman Catholics got the money without the proper certificates.

Rev. Dr. Healy.—I speak from the report presented to the Court of Chancery, which I saw. I am responsible for the figures. I copied them from the report. In 1833 there was £3,252 due by the tenants.

1254. Mr. Justice O'Donnell.—Is that a report by the Master in Chancery, or a report that was made to him?

Lord Justice FitzGibbon.—Probably the receiver's statement.

Rev. Dr. Healy.—Yes; it is a statement of facts. I had the documents in my hands last week, and copied them. There was £4,000 in hands in 1836, and if the fund was only able to satisfy these claiming

under Mr. Charlton's will that would be £13,000, at 5 per cent. The point I want to make on that is that for a great portion of the time the will of Mr. Charlton was interpreted strictly, and it was thought that the Counties of Meath and Longford were just enough for the purposes intended.

1255. Mr. Justice O'Donnell.—That is for the purpose of the population?

Rev. Dr. Healy.—The portions were to be given only to parties married in the province of the Protestant dioceses. How could it be applied to every one if the amount became considerably less, and there was no accumulation? He provided for the Protestant population of the counties, and not more. The accumulation in 1876 had all come since the time of the emigration, and since the numbers of the people had decreased, and in Meath (I don't know about Longford) I can say that a much larger proportion of Protestants have gone away than Catholics.

1256. Mr. Justice O'Donnell.—Supposing there were no Protestants in Meath, and you had this will of Mr. Charlton's, and his rents paid, would you contend that they should be allowed to accumulate for any number of years?

Rev. Dr. Healy.—I would say you should do as Mr. Charlton bids you. He provides for the thing, which shows that the property would do fairly what was wanted, but there might possibly be a little over.

"He leaves the annual rent as a marriage portion fund of £1000 to be paid to any day labourer's son of said or other adjacent counties in case no residents are to be found in said counties of Meath and Longford, being such before and at the time of marriage, from 15 to 30 years of age, who shall marry with the consent of his parents any day labourer's daughter of said counties from 15 to 40 years of age, producing a certificate of such marriage, witnessed in presence of and signed by the minister and churchwardens of the parish where said girl lives, to their personal knowledge or best information of reputable neighbours to said girl's parents."

He leaves the money not to the daughters but to the sons of day labourers, and it is in speaking of them he speaks of the extension. He leaves it first to those who marry in Meath and Longford, but if not enough there the money should go to the outside counties. I would like to read this passage from the will, and ask as to its meaning. It is in case no residents are to be found in "said counties of Meath and Longford," that the surplus is to go to the adjacent counties.

1257. Lord Justice FitzGibbon.—When I first read the will I thought this was a very arguable point, to say the least of it. The man was to marry a woman from Meath or Longford, but the man in the first instance was to be a day labourer's son from Meath or Longford. If there were not enough men in these counties to marry then the distribution of the bequest should extend to the sons of day labourers from adjacent counties, but is there anything to bring in wives from the adjacent counties? You want to read the words "the said counties" to mean "the said and adjacent counties." "The said counties" was decided by the Chancellor of the day to mean the counties of Meath and Longford only.

Rev. Dr. Healy.—This was allowed to fall into abeyance for there were enough applicants from Meath and Longford, but if it happened that there was a surplus at a certain time, don't you think that then it would be an arguable case to bring in applicants from adjoining counties?

1258. Lord Justice FitzGibbon.—This question did not rise under the old scheme of 1836. It did arise in 1850. I am not prepared to say how, but we have a document from Chancery accounting for the accumulation. It speaks of extending the marriage fund, after providing for all duly qualified claimants in the counties of Meath and Longford—

"To make claimants sons of resident day labourers of the counties of Cavan, Monaghan, Louth, Dublin, Kildare, King's County, and Westmeath, as being adjacent to the

county of Meath; and of the counties of Cavan, Westmeath, Roscommon, and Leitrim as being adjacent to the county of Longford who shall intermarry with the daughters of resident day labourers of the said counties of Meath and Longford subject to the provisions and restrictions of the will and the Act of Parliament."

That raised the point.

1239. Rev. Dr. Healy.—Are you bound by that decision? It becomes a different question when there is plenty of money.

1240. Monsignor Molloy.—Is there plenty of money now?

Rev. Dr. Healy.—There is plenty now. If there is a surplus the extension of it should be as restricted as possible, and if it could be restricted according to the words of the will it ought to be. We are told to look at the spirit of the will, and I would not, looking at the spirit of the will, if Meath and Longford don't supply enough candidates, where are you to go? Are you to go to those who do not qualify, or to go to other counties?

1241. Monsignor Molloy.—I have always thought that Charleton wished to provide dowries for daughters of agricultural labourers in Meath and Longford, and he wished them to get the dowries whether they married the sons of labourers in Meath and Longford, or went across the borders into the adjacent counties.

1242. Lord Justice FRANKENSON.—The will is clear that the money is given as a marriage portion for any day labourer's son "of said or other adjacent counties, in case no residents are to be found in said counties of Meath and Longford," so far for the day labourer's sons, but then it says—"who shall marry with the consent of her parents any day labourer's daughter of said counties." If I read "said counties" then as including all the adjacent counties, you would have no preference given to those from Meath or Longford.

Rev. Dr. Healy.—I would not understand that.

1243. I see the way you understand it, but to turn the understanding into English, you must alter the will. If you read it otherwise there will be nothing to restrict the counties from which the wives must come, and a day labourer's son from Meath or Longford marrying a Dublin wife, would have the same right as a day labourer's son marrying a girl in Meath.

1244. Dr. TRAILL.—Does the restriction apply to Protestants outside the county?

1245. Lord Justice FRANKENSON.—The real point is this—if according to the true interpretation of the will there are not sufficient objects for the fund—what are we to do with the balance?

Rev. Dr. Healy.—The position of the Meath labourers is such that we try to get situations for their daughters, and thus we send them away altogether. Really we cannot do much for the daughters there. We could employ the money very much more advantageously. There are labourers in the county who have daughters who have no chance of escaping anything from the fund. The first thing is to get situations for them. Looking over my own parish, I do not believe there is a girl there who would marry a labourer. Daughters of labourers go to England as servant girls sometimes. There may be a time when there are no residents in Meath and Longford to qualify for the fund, and then are you to go outside? There is another clause in the will that I don't think has been brought up. He says—

"An indispensable point with my said assent shall be to guard the trustees effectually from impositions in the said marriage certificate, the clerk supplying the trustees with a true counterpart of his own list of day labourers without additional charge."

How could they be imposed on in the marriage certificate? When I read that, I thought it meant that the marriage certificate should be like the present one to show the social status of the man, but it is only a certificate to show what the marriage was, and that the parties were married in presence of the minister and churchwardens.

Archdeacon POTTERTON.—The presence of the churchwardens is to prevent impositions, and the marriage was to be a Protestant ceremony.

1246. Dr. TRAILL.—Wasn't it stated that a great many Protestants were disqualified because of not having certificates?

Rev. Dr. Healy.—Yes, that is so.

1247. And that the churchwardens could not be got to come to the church?—Yes. The reason he wanted the certificate that the marriage was before the minister and churchwardens was to produce legal evidence that the marriage had taken place—not whether it was legal or not, but that it took place.

1248. Lord Justice FRANKENSON.—Is it correct to say that the certificate was not to show the marriage was legal? The fact could be proved in the same way as any other. This certificate would not be the legal document.

Mr. Justice O'BRIEN.—I rather differ from the Lord Justice that the certificate would not be taken as legal evidence.

1249. Lord Justice FRANKENSON.—This certificate was to be produced to the trustees. It was a private matter and not an official document.

Archdeacon POTTERTON.—It was to identify the right parties.

1250. In the administration of this fund under the existing scheme, all persons who produce the certificates are entitled to priority and must get their portions. The Clergyman's scheme deals only with the surplus income. I should be anxious to extend the powers of applying the fund to education and advancement, and objects of that kind that are of advantage. But if we extend it to those purposes, ought we to exclude those who now get the surplus that is left over after satisfying the original purpose of the testator?

1251. Rev. M. Wood.—I would like to say that the scheme provides for a marriage taking place before the minister and the churchwardens. It speaks of the character of the persons married, and that the marriage should be in a Protestant Church. There was an alleged desirability to escape the parish priest marrying any two members of his Church. It could not have been the mind of the testator that they must be married in the Protestant Church only. That could not be to prevent or stop illegal marriages, because a marriage by a Roman Catholic clergyman was not legal. No parish priest was forbidden marrying any two in his own Church, but he was from marrying Protestants, or one Protestant person and one of his own Church. There is a point made by one of the Commissioners—the legal opinion that had been got from the legal advisers of the Crown some years ago, in which it is stated that the primary point was to increase labour, and the second object to bind them to Protestants. I think we should reject the second object after the primary object is satisfied. There is something done in satisfying one and not the other. Bishop Nulty has brought forward an argument as to the sparsity of Protestants, and that it was quite improbable that Mr. Charleton provided for Protestants alone, for the Protestants were so few in those days that by no reasonable multiplication could they supply the requirement.

1252. Mr. Justice O'BRIEN.—Or a unreasonable multiplication?

Rev. Father Murphy.—Yes. I think it was unreasonable to think that if there was one labourer there who had three sons, that those three sons would multiply to ninety-nine. It has been suggested that the marriage, when pronounced in the parish Church, according to the will, before the minister and churchwardens, that it was a public service and not a formal matter. I think a marriage in Chapel was quite as public.

Mr. Justice O'BRIEN.—No.

Rev. M. Wood.—At that time I am sure it was. There was nothing to prevent them being married there.

Mr. Justice O'BRYEN.—Marriages were often performed in private houses where they had no Chapel.

Rev. M. Woods.—For the last 100 years there was no one that had not a parish Chapel. It has been said also that there are no labourers now Protestants, and that they could not be found in two or three days' journey. I have two families of labourers in my own parish, and I have met labourers, Protestants, in my own and other parishes.

1253. Bishop Nally.—Where would you get more than three?

Rev. M. Woods.—I say that we try and strive for the daughters of labourers to get them a higher position.

1254. Monsignor MULLOY.—That plan, if successful, would eventually extinguish this class of labourers.

Rev. Dr. Hooley.—It is doing it.

Rev. M. Woods.—I say the labourers are there. I think it would be advisable myself to extend the classes so as to provide for the teaching, let us say in teaching needlework, and teaching the daughters who would become the wives of labourers how to make their own dresses and mend their husbands' clothes. I say it would be a good thing.

Mr. LAWRENCE ROSEN.—

1255. Lord Justice FRYGIESSON.—Do you attend in support of the objection of the Naxon Board of Guardians?—Yes.

1256. You object in the first place to the draft scheme—because "it ignores the right of the county Meath to the twentieth of the entire fund, as the terms of the will direct," and secondly—"That we consider that the Catholics are not fairly treated, having regard to the fact that they are in the ratio of about ten to one of the entire population?"—Yes. The Charities Com. according to all information to Lord, was not intended by the donor to exclusively benefit Protestant day labourers.

1257. Dr. TRAILL.—When was that found out first?—It was the general tradition among Catholics, and it was considered that in the scheme they were not fairly treated.

1258. Monsignor MULLOY.—We had evidence on that point before from Mr. Smith. He was asked if previous to 1834 the Catholics got the marriage portions, and his answer was that there was no difference. He was asked—"How did they qualify?"—and he said "by getting married," and he said they were not asked to produce any certificate from the Protestant Minister.

Mr. ROSEN.—I don't think that is altogether true.

Rev. Dr. Hooley.—There were no portions given from 1830 till 1834. Nothing was given out at that time.

1259. Mr. ROSEN.—I think that, under the circumstances, taking them as they existed at the time the will was drawn into consideration, it must appear to any fair mind that Mr. Charlton intended that both Catholic and Protestant day labourers should be placed on the same footing for the following reasons:—First—it is a fact beyond dispute that he never showed any prejudice against persons of the Catholic faith during his lifetime. Second—if he intended his gift solely for Protestants he would have made the portion for each much larger, or directed the residue to be devoted to some other purposes, as according to the population of Ireland at the time it was wholly improbable for Protestants to use up the fund at a marriage portion of six guineas each, the population being much smaller in 1791 than now. The last accurate record we have of the population of Ireland was in 1801; and it was then 3,399,000. In 1821, it increased to 6,802,000—that is in twenty years. Taking the average of these twenty years it would be 730,000 each decade as the basis to calculate the population in 1791. We find that there could not be more than four and a half millions in Ireland then, or considerably less than now assuming that the same ratio of marriages prevailed then as now. We find that for the past thirteen years, since the Charities scheme came into operation for the distribution of

this fund, the average marriages of Protestants entitled was but a small fraction over three each year, which at the sum allocated by Mr. Charlton would only absorb £13. What was to become of the balance—that is of the portion that Meath was to get according to the distribution. In the third place, great stress is laid on the words of the will, "solemnized in the presence of the Minister." Now, I think a very fair and reasonable construction to put on those words would be, seeing that a Catholic clergyman was at that time an outlaw, with a price on his head—that there could be no legal ceremony performed by him according to the laws that then existed.

Dr. TRAILL.—That is all wrong.

Mr. ROSEN.—I am speaking of a Catholic clergyman. According to the laws that then existed it was necessary to have a Minister present at the ceremony.

1260. Professor DOUGHERTY.—You mean, I think, that Mr. Charlton thought that the parties could marry, but that it would not be legal unless the minister and churchwardens were present?—Yes.

1261. Both of them. Did you ever hear of such a case?—Yes.

Bishop Nally.—I remember when a clergyman was present when the test was married.

Mr. ROSEN.—It is only reasonable to suppose that Mr. Charlton, in order to guard this Charity from abuse, made it a condition that the churchwardens of the parish where the girl resided should sign the certificate, as they would naturally, from their local knowledge, be in a position to know whether the applicants were properly entitled or not. The minister might be only a few weeks, perhaps, appointed to the parish at the time of the marriage. Or the word "minister" is equally applicable to either a Roman Catholic priest, or a Protestant parson, the correct meaning of the word being—"one who serves at the altar." The will does not state, "solemnized in a church." The strongest point in favour of the theory that Mr. Charlton intended it for Protestants only is the mention of the churchwardens, but it was only necessary to have their signatures to the marriage certificate. It might as well be argued that no person except a Protestant could hold a publican's licence, which also in former times required the signature of the churchwardens. With regard to the distribution of the fund, I would be opposed to any portion of it being diverted from the purposes for which it was intended, namely, marriage portions for day labourers married to the daughters of day labourers. I would be opposed to the giving of marriage portions to sons of day labourers, who might not themselves be day labourers. I would be opposed, in conclusion, to any portion of the fund being applied to technical education, as it is only those who are in fairly good circumstances that could afford to spend a girl for such training, and not the very poor for whose benefit Mr. Charlton intended it. I think the terms of the will, directing two-thirds of the fund to be distributed in the county Meath should be strictly adhered to, as the population of Meath is much larger than Longford.

1262. Professor DOUGHERTY.—Do you think that a man should not try to advance his children?—No; I am not opposed to parents trying to advance their children.

1263. Dr. TRAILL.—You object to the education scheme. Are you in favour of the very poor marrying for the portions?—No; I think that in order to qualify for the marriage portion they should be already married, and their condition could not be altered; I am in favour of sticking to the conditions of the will.

1264. You want to restrict the Charity to those who are very poor, but would it not be better if the fund was given to a man to advance his child forward. By this scheme they could be advanced in life, or helped up in such?—If the scheme is distributed as we want it, there will be nothing for educational purposes.

1265. If you marry paupers to paupers you will

whom the funds?—I heard a gentleman say that men in public positions should be named as trustees. At that time no one could hold public office except Protestants.

Professor DOUGHERTY.—That would be an argument if he had been a Catholic, and he wished to have persons of position as trustees.

1264. Mr. Justice O'BRIEN.—Do you object to one-half of the fund being taken, by the county Longford?—Yes.

Mr. Francis Sheridan.—I have also been appointed to represent the Board of Guardians of Nenagh, and there are a few points I would like to bring forward. At a special meeting of the Board they were unanimous in saying that two-thirds of the money should be given to Meath, and the condition in the will was different from that laid down by the draft scheme to give one-half to Meath, and the other half to Longford. This is not in accordance with the amounts that have been given to Protestants and Catholics. We find that in one year £79 was given to Protestants in Longford, and £299 in Meath. The next objection to the present scheme is that by it the money would be given away from the intention of the testator. The object of the testator was that the money should be given all for marriage portions. In looking over the will in the draft scheme, there is no single condition found excluding Catholics to the right to the marriage portion. The only principal conditions are that they should be the sons of day labourers, and resident in Meath or Longford, or if not enough there, then in the adjacent counties, and that the girl should be a resident of Meath or Longford. Now the condition laid down in the will was that they should be the sons of day labourers and that they should marry. I am bound to assume in regard to the word "marry"—when Mr. Charlton did not assume they should not be married by either Protestant or Catholic clergymen—that the intention was to give to Catholics and Protestants equally, and that there should be no difference, and I am bound to assume that the parties might come to be married by the clergymen of their respective denominations.

Dr. TRAILL.—The Court of Chancery never took that view.

Minoror MOLLOY.—Your view coincides with the view of the Law Officers of the Crown under Lord Spencer's Government.

Mr. Sheridan.—The next point is that the marriages should be in the presence of the Protestant clergymen and churchwardens. Now this is a contentious question, and my view is this: Catholic marriages were celebrated in private houses. My own sister was married in our own house. It was thought by Mr. Charlton that it would be no humiliation on the part of a Protestant clergyman or the churchwardens, and would not compromise their position to attend such celebrations of marriage. Mr. Charlton would not ask a Protestant clergyman to go to the chapel, nor would the priest go to a Protestant church to celebrate marriages.

1267. Dr. TRAILL.—If all the marriages were in private houses the difficulty would not arise.

Mr. Sheridan.—The Protestants were trustees immediately after the death of Mr. Charlton, and if the trustees and the Protestant clergymen believed that this bequest was intended purely for Protestant purposes they should have taken action on the spot, and excluded Catholics.

1268. Dr. TRAILL.—They were excluded all the time.

Mr. Sheridan.—I am in a position to assure you from trustworthy information, and by living in the immediate neighbourhood of the farm where Mr. Charlton lived, and having a fair experience, from all the inquiries I could make and all I could find, the intention of Mr. Charlton was that Catholics should get the benefit of the fund. I am assured that Catholics got it up to the year 1829. There is an old member of the board now—a Mr. Bushanan—

whose father lived on the most friendly terms with Mr. Charlton, and he gave me the information that it was an absurdity to think that his intention was to exclude Catholics.

1269. Professor DOUGHERTY.—Did he say anything about marriage being celebrated in private houses with the minister and churchwardens present?—No; he did not.

1270. Did he tell how the provisions were to be fulfilled as to the certificates?—He said although this was a legal condition that was bound to be fulfilled, the Protestant minister and churchwardens, knowing well the intention of Mr. Charlton that the money was to be given to Catholics, were prepared, on receiving a certificate from the parish priest or curate as to the marriage, to give a certificate.

1271. Dr. TRAILL.—Did you ever know a case of that kind?—No.

Lord Justice FITZGERALD.—Down to the year 1829 there was great looseness about the management. The payments were made very loosely. In 1829 there were some complaints, litigation was started, the matter was brought into Chancery, and it was decided that the certificates must be got and given. The moment that condition was put on, the money began to accumulate, and in 1837 they came forward for a new scheme to dispose of the surplus.

1272. Dr. TRAILL.—Have you your information from persons who were married in the way you say?—No; I have not. I have trustworthy information that sometimes the money was insufficient to meet the claims. On the day the money was to be given out the applicants attended. The Protestant clergymen, the Catholic clergymen, and the churchwardens were present. When the money was insufficient they halted, and the successful party got the money.

1273. Do you know that of your own knowledge?—No.

1274. Any person might tell you a story like that?—It is the tradition. The trustees probably held to the concession given to the Catholics, and interpreted the will as to the applicants.

1275. Lord Justice FITZGERALD.—The Chancellor of 1836 held that the certificates must be produced, and we have the papers here in regard to his decision.

Mr. Sheridan.—I would not be astonished that down to 1829 the money was divided loosely, and that probably Catholics did get it in a loose manner. Now, this scheme is framed on the amount of money distributed during the last fourteen years, and the average amount was £79 to the Protestants, and £299 to Catholics. From trustworthy information I have received, this money given to Protestants—the £79—was not given altogether to parties who fulfilled the conditions, as being day labourers, but that it was given loosely to tradesmen, and sons of tradesmen, and even small farmers.

1276. Lord Justice FITZGERALD.—Every one of these cases was before the Lord Chancellor 1st.—A great number of claims were rejected on the ground that the parties were not labourers. The Lord Chancellor required certificates that the parties were labourers.

Dr. TRAILL.—This gentleman's statement would be that the Lord Chancellor and every person connected with the matter was acting wrongly.

Lord Justice FITZGERALD.—Since 1879 the total number of marriages on which portions were paid in Meath were forty-one Protestants, and 343 Catholics. In Longford these marriage portions paid were ninety-eight Protestants, and 342 Roman Catholics—440 as against 404.

1277. Dr. TRAILL.—Are you aware that the bulk of the property is in Longford?—I am aware of that.

Major N. F. FERRARD.—I attend as the representative of the ex-officio Guardians of the Nenagh Union.

1278. Mr. Justice O'BRIEN.—Have you concerned

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in the opinions last expressed—I consider in some of them. It is unnecessary that I should go through the arguments repeated here and there as to the right meaning of the will. I believe we are summoned to give our opinions—whether as representatives or not—it is for you to judge.

1273. Mr. Justice O'BRIEN.—We did not invite you to give your opinion on questions of law.

Major BARNARD.—No; I do not want to do that. I would say that the intention of the testator was to increase the Protestant labourers. We have heard from Bishop Nulty that the landlords had great difficulties to contend against with the labourers—that men used to come from different parts at the harvest time, and from combinations, and leave the crops to rot. It is notorious that the Catholics are more disposed to form combinations of the kind than Protestants. Mr. Charlton would have induced the Protestant labourers to marry, and to remain in order to counterbalance the larger number of Catholic labourers at whose mercy he was.

1280. Lord Justice FRANKLIN.—It has been stated that he was a bachelor—I could not say.

1281. Mr. Justice O'BRIEN.—Perhaps he did not want all the inhabitants to be in the same condition as himself—Well, being married myself, I could not say what his feelings as a bachelor might have been. The principle was to encourage Protestant labourers, and to provide them with an inducement to come to Meath. It must be decided whether the fund was intended for Protestants alone or for Catholics and Protestants alike.

Mr. A. B. HOSKIN, J.R. (Dunboyne).—I appear to represent the views of the Guardians of the Dunsinghlin Union, and I would occupy your attention for a few moments in showing the position, area, and population of the district. I have the statistics for 1881, as the Census for 1891 is not yet out. In the year 1881, the net annual value of rateable property in the union, amounted to £106,344 6s.

1282. Lord Justice FRANKLIN.—How many unions are there in the county Meath?—Five. Dunsinghlin is the smallest. We have loans under the Labourers' Acts already sanctioned for £5,800, and the Local Government Board have given their sanction for two more cottages. We think we should have a right to representation on the committee; and in saying so, I represent the feelings of the whole Board. I am a Protestant myself, and I think the appointments should be with the Diocesan Councils. There should be a Catholic member on the local boards.

1283. Monsignor MOLLAY.—Are not some portions of the Oldcastle union in the county Duven?—Yes.

1284. The Rev. the Archdeacon of Ardagh (Dr. POTTER).—I take it for granted from what the Commissioners have said that they will not enter into the question of including the adjacent counties for the daughters of day labourers, as well as for those in the two counties? If you are determined upon that, I have nothing further to say.

Lord Justice FRANKLIN.—We do not wish to restrict you, but unless there are strong reasons for departing from the course of the Chancery decisions, the scheme would not be very likely to pass.

1285. Archdeacon POTTER.—That would be open to be debated before the Privy Council.

Lord Justice FRANKLIN.—Yes.

Mr. Justice O'BRIEN.—The Privy Council may consider they are not bound by the opinions they have got.

Dr. THALE.—It is for us to draw up the scheme.

1286. Lord Justice FRANKLIN.—I do not think it is possible to open the construction to the daughters of agricultural labourers, not only from Meath and Longford, but from all the adjacent counties. That you would do away with all restrictions on the wife. Besides the consideration whether we should come to the conclusion that the successive Chancellors were wrong on the question; you should remember that

the counties of Meath and Longford between are "adjacent" to counties which would embrace about one-third of Ireland. I doubt that there are two counties in Ireland that touch on so large a number of adjacent counties.

Archdeacon POTTER.—I think that in the provisions of the will he did not intend to give any benefit to Roman Catholics, for if he did the sum would have been swamped. That has been before you already and it is needless for me to enter upon it.

1287. Lord Justice FRANKLIN.—You are doubtless aware that we do not propose dividing half and half between Protestants and Roman Catholics, but half and half between the two counties?

Archdeacon POTTER.—Owing to Longford having a better record than Meath, we would share a greater proportion of the £35 portions than the other.

1288. Lord Justice FRANKLIN.—That question did not become material until the second departure in 1877, and then it became material only as to the surplus.

Archdeacon POTTER.—We always had labourers enough in Longford, but we contended that the object of the Charity essentially was to increase the number of Protestant labourers in the locality.

1289. Lord Justice FRANKLIN.—Then we may take it that you and the county Meath are in the same interest?

Archdeacon POTTER.—Yes. May I ask what the Commissioners propose to do as to the sums for marriage portions?

1290. Lord Justice FRANKLIN.—It has been proposed that the limit should be increased from £10 to £15, and that we might give the local boards a discretion in the matter.

1291. Monsignor MOLLAY.—We selected £10 as the sum to be paid in marriage portions, but you may have strong opinions to increase it.

Archdeacon POTTER.—We have a strong opinion upon it.

1292. Mr. Justice O'BRIEN.—We took evidence at Navan as to what sum would be of substantial and real advantage to a young man on getting married.

Archdeacon POTTER.—Less than £10 would be useless.

1293. Lord Justice FRANKLIN.—In the Palmer Charity we found that £10 was extremely useful.

Archdeacon POTTER.—It might be so in some cases.

1294. Mr. Justice O'BRIEN.—Are you in favour of the marriage portions at all—I have no objection to them. I go in heartily for early marriages. Let there be a better distribution of the funds, and the more people the better.

1295. Monsignor MOLLAY.—When your Committee fixed the sum at £15, did they expect to get the whole of the endowment?

Archdeacon POTTER.—No, not in any sense. If it was given according to our interpretation of the will we would get the whole, but, in any event, we could give £15 for marriage portions and have some surplus for education.

1296. Monsignor MOLLAY.—Would you object to give the local boards a discretion as between £10 and £15? Do you think you could give £15 to all applicants having a reasonable claim?

Archdeacon POTTER.—Yes, and have a little over. According to your scheme there would be more applicants than under the old. A good many Protestants are not fond of early marriages, and a great many were kept out for being over age. No less than four to my own knowledge in my own district were excluded simply because they were two years over the age. They were hardworking men.

1297. Lord Justice FRANKLIN.—The age of the men were to be from 15 to 30, and the women 15 to 40. In these days 15 would be looked on as an early age to be married, but the limit runs up to 30.

Archdeacon POTTER.—It might go to 40.

Dr. THALE.—The will gave the ladies a chance up

to 40 as they could not propose. I think the object was to get them married.

Monsieur MOLLON.—I don't think we put any limitation into our scheme as to the age of the men.

Archdeacon POTTER.—We think that of importance. The women are all right. The age in their case is limited to 40. Some of the men were kept out of the charity on account of age.

1298. Dr. TRAILL.—Would you extend the age in their case to forty?

Archdeacon POTTER.—I would, and the women to thirty.

Dr. Lefson.—I have had a good deal of experience in the registration of marriages in my district of Tarn, and I have been impressed very strongly with the fact that very often great hardships are inflicted on labourers who might be entitled to this charity being a little over the age. I have particularly in my recollection the case of a young man, about to be married, he was just thirty years of age, but he was not able to get a house at the time, and while he was looking for a house he went beyond the age-drawing which he would be entitled to the money.

1299. Mr. Justice O'BRIEN.—Why did he not get married in time?

Dr. Lefson.—I don't know. I have been comparing notes with some people in the country, and they agree that it would be of great advantage not alone to give the labourer a longer age, but to enlarge the class and to admit small farmers to the benefit of the charity—I mean farmers holding only a few acres. The sons and daughters of very small landholders should not be debarred from the benefits of the Act. At present they are shut out from the provisions of the Poor Law Acts in the matter of Outdoor Relief and Medical Relief, and also from the Labourers' Cottage Acts, and I submit, therefore, deserve all the more consideration under the new Charities Scheme.

1300. Mr. Justice O'BRIEN.—Don't some of the farmers get money from the State to buy the land, and they do not even pay the rent?

Dr. Lefson.—They are small farmers, but in reality they are only labourers, and they have to pay poor-rates.

Archdeacon POTTER.—At certain times they have to go out as labourers.

Dr. Lefson.—Amongst the people of Meath there are few of the labouring class so called; but you have a class a little above above that—people who were labourers, but who have become clerks, or become connected with churches, or land stewards on small properties. I think they ought to have consideration. They are a class that would turn the money that would be given to good account.

1301. Monsieur MOLLON.—Would not your proposal involve the necessity of enlarging the endowment?

Dr. Lefson.—That is a difficult question to answer.

Mr. Justice O'BRIEN.—We must cut the cost according to the cloth.

1302. Monsieur MOLLON.—How will you spend the surplus money?—I would do away altogether with the age restriction: it is retrogressive, unworthy of the nineteenth century, and more illiberal than the testator's original scheme. I attended a public meeting of the Guardians of Dunshaughlin Union the other day, and several gentlemen of experience there said that £10 would not be sufficient to buy a cow, and that it would be desirable to have the amount increased so as to enable them to do so, as otherwise there would be the danger that the money would slip through their fingers without permanently improving their condition.

1303. Professor DOUGHERTY.—What is the value or price of a cow now?

Dr. Lefson.—About £15.

1304. Mr. Justice O'BRIEN.—Would it not be better to contribute something to the man to establish his house?

1305. Monsieur MOLLON.—The price of a cow is the value of a dowry?

Dr. Lefson.—Yes, that is so.

Mr. Justice O'BRIEN.—No; in Meath we heard that the price of a pig was a dowry.

Dr. Lefson.—I think there should be no difficulty in giving the money. I would also propose that you should admit herds in the class of agricultural labourers.

1306. Monsieur MOLLON.—A herd in Meath is generally a man of considerable position?

Dr. Lefson.—I admit that, but there are some who are only paid in kind. They get only the price of a cow and grazing from their employer.

1307. How would you draw the line? How would you define the herd whom you would admit?

Dr. Lefson.—I would draw it in regard to a man in charge of 100 acres. There are large farms in Meath of 300, 400, and 500 acres.

1308. Lord Justice FITZGERALD.—We thought that we would do well to put the working of this scheme into the hands of local gentlemen. This Charities case came before me on one occasion when I was sitting for the Lord Chancellor. One of the gentlemen present thought that these matters were adjudicated on in the dark as to the qualification of the claimants for the bounty. There were elaborate discussions as to whether certain applicants were day labourers, and we thought that local gentlemen would be better able to judge about that.

Dr. Lefson.—I would say day "or other" paid labourers. It was held that it might mean "agricultural labourer," or any other working man receiving daily or weekly payment for unskilled manual labour.

1309. Professor DOUGHERTY.—If there is an arrangement to give something instead of money he would not be paid?

Dr. Lefson.—Yes, that is so.

Monsieur MOLLON.—We got very different opinions from the witnesses as to what is meant by a day labourer. Some consider that it means an agricultural labourer, while others thought that any labourer receiving wages is a day labourer.

1310. Dr. Lefson.—You mean unskilled labour?—Yes.

1311. Lord Justice FITZGERALD.—We have evidence that some of the clergy have refused to give certificates to persons whom they thought not to be in the position of day labourers, and that some who were refused by their clergy went off to more compliant magistrates who gave the certificates.

Archdeacon POTTER.—That question came before us in Longford.

1312. Monsieur MOLLON.—By section 27 of the scheme it is provided that—

"Each Committee shall from time to time make such regulations as regards the time and mode in which applications, either for marriage portions, or for aid towards advancement in life, shall be made and verified, as it shall from time to time deem expedient; and all such regulations shall be published as the committee shall direct. The decision of each committee regarding the qualifications of candidates shall in all cases be final."

Thus it rests with the committee to decide whether the applicant is a day labourer or not.

Lord Justice FITZGERALD.—It might be if he was receiving weekly wages.

Archdeacon POTTER.—I would be inclined to enlarge the privilege on either side.

Lord Justice FITZGERALD.—We have had evidence that labourers' daughters get married to shopkeepers and others; and on the other hand we heard of shopkeepers' daughters getting married to labouring men.

Archdeacon POTTER.—That would handicap the girls.

Lord Justice FITZGERALD.—The will could give an allowance in that case.

1313. Dr. TRAILL.—Do you think the money would help them forward in life?

Archdeacon POTTER.—A day labourer's daughter is as a rule very useful in a country house, and small farmers would forgive her portion to marry her. Of course she would lose her fortune.

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Lord Justice FITZGIBSON.—If we gave a larger proportion to Meath it would be at the expense of Longford, and if we gave a larger proportion to Longford it would be at the expense of Meath.

Monsieur MESSER.—No, she gets her fortune in the small farmer.

Archdeacon PETERSON.—I was instructed to make opposition to any alteration of the scheme, and in

Longford we think we are entitled to some consideration. If you give half and half to each we do not care.

1314. Monsieur MESSER.—Do I understand your opinion is that if Meath got two-thirds, and Longford only one-third the distribution between the denominations should be altered?

Archdeacon PETERSON.—Yes.
The Inquiry then concluded.

PUBLIC SITTING—FRIDAY, OCTOBER 23, 1891.

At the Courthouse, Dundalk.

Present:—The Right Hon. Lord Justice FITZGIBSON and the Right Hon. Mr. Justice O'BRIEN, Judicial Commissioners; and the Right Rev. GERALD MOLLOY, D.D., D.S.C., ANTHONY TRAILL, Esq., LL.B., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, M.A., was in attendance.

DUNDALK ENDOWED SCHOOL.

(FURTHER INQUIRY.)

1315. Lord Justice FITZGIBSON said.—On a former session we took evidence as regards the state of the school and the condition of the premises, but at that time, owing to the illness of the then agent of Lord Roden, we were not able to get evidence from the Estate office. We have been making inquiries since, and we have asked Mr. Stronge, the present agent, to attend to-day to give us any information in his possession as to documents under which the endowment exists, for of the existence of the endowment there would appear to be no doubt. The Commissioners in 1858 reported that—

"By indenture bearing date August 5, 1725, and made between the Corporation of Dundalk of the one part, and the Earl of Limerick of the other part, reciting that the Corporation had no right to certain premises therein mentioned, called the Commons of Dundalk, and that the same belonged of right to the Earl of Limerick, the said Corporation, in consideration of such right as the part of the Earl of Limerick, and of his having granted an annuity of £50 per annum for the encouragement and support of certain schools in Dundalk, conveyed all their right, &c., to the heirs and successors of and now Dundalk to the said Earl of Limerick, his heirs, &c. Contemporaneously with this deed Lord Limerick executed another instrument, granting £50 a year for the support of this school. That instrument it seems cannot now be found."—

and we are informed that although diligent search has been made for it, it has not been discovered. The report goes on to say—

"The general opinion in Dundalk, and the report of 1807-12, give a very different account of the transaction which originated this endowment. It is very commonly believed in the locality that the premises comprised in the deed of 1725 were the actual leasehold property of the Corporation, and that the Earl of Limerick, at a time when that body were in complete subservience to him, induced them to part with their estate in consideration of the paltry endowment of £50 a year."

The property in question had become building ground, and the report states that it was valuable, and that—

"It must be admitted that the deed of conveyance above mentioned wears a very suspicious appearance, though it may be impossible, at the distance of time, to impeach its validity."

That was reported thirty-three years ago. The report of 1858 proceeds—

"In the reports of 1807-12, p. 385, it is stated that the schoolhouse was built by the Corporation of Dundalk, and

we are of land granted by them for the use of the master, and that the annuity of £50 per annum was granted in consequence of a compact entered into between the late Earl of Charlemont and the Corporation, the latter having given the former a part of certain houses near their town, which was their property, upon condition that the Earl of Charlemont would endow this school with £50 a year, and oblige the master to educate the sons of the freemen of the Corporation for half a guinea per quarter each. The report further states that in 1800 there were fourteen boys in the school who had availed themselves of the grant in favour of the sons of freemen, and paid two guineas a year each for their education."

The agent of the property stated at that time that the Corporation never had any property except the shambles, in the town of Dundalk—(held by them under a lease for ever)—and that the ground on which the schoolhouse stands and the lands attached are, and always were, part of the Roden estate, and that Lord Limerick built the schoolhouse at his own expense.

"He stated further that there never existed any right on the part of the freemen's children to be educated for two guineas a year; and that although he had made diligent search among the manuscripts of the estate, and also examined the old Corporation books he could not discover any evidence of the existence of such a right. He stated further, that on the Municipal Corporation Inquiry, in 1853, the Commissioners inspected the Corporation books, and examined several witnesses on the subject, and that they were unable to procure any evidence beyond hearing to show that such a right had ever been exercised. 'Between these conflicting accounts'—(the Assistant-Commissioner went)—'I am unable to decide; but it is very unfortunate that the deed of endowment is not forthcoming.'"

In 1880 it was reported by the Commissioners that:—

"The Royal Commissioners, 1854-8, reported that there was some doubt as to the endowment of this school, which enjoyed a free site, and received an annuity of £50 half per annum from the estate of the Earl of Roden." They say that "the Commission of Education" returned the school to us in 1870, as an "existing school under their management and control."

They did not, so far as the evidence goes, take any management or control of the school, or take any part in connection with the endowment. That appears not to be an unprecedented incident. We will now ask Mr. Stronge whether he can throw any further light on this matter, and we will also carry down the evidence to the present date as regards the annuity, the premises, and the school.

Mr. Stronge examined.

Mr. Stronge.

1316. Lord Justice FITZGIBSON.—You have recently become agent of Lord Roden's estate?—Yes.

1317. How long have you been acting as agent?—Since December 19, 1890.

1318. You have charge of making payments and receiving the rents of the estate?—Yes.

1319. There was a deed of 1728 by which the site of the free school, then lately built by James, Lord Viscount Limerick, was leased for 999 years, at the yearly rent of 8d., Irish, the lessor being Thomas Fortescue of county Louth, and James, Lord Viscount Limerick, being lessee?—Yes.

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Mr. Stronge.

1320. Do you pay that rent?—We pay 5d.
1321. To whom?—To Lord Clement.
1322. Lord Roden is charged with that rent in your books?—Yes.

1323. Mr. Fortescue, the lessor, is now represented by Lord Clement?—Yes.

1324. You make payments to the schoolmaster?—We do.

1325. Under what head?—Under charges, subscriptions, and allowances from the Donagh estate office, master of school (salary), an endowment, £16 3s.—the master for the time being paid half-yearly.

1326. I use in the account there are other entries, of which some have written opposite them—"discontinued," and others are marked "at pleasure of Lord Roden"?—Yes.

1327. You have read all about this school, salary and endowment?—Yes.

1328. Do you know anything in regard to the deed of endowment?—No; I believe there was a fire in the estate office some years ago, and the deed is not forthcoming now, so far as I know.

1329. Are you able to tell us whether any expenditures have been made lately on the school buildings?—Not that I know of.

1330. Formerly there used to be?—I believe so.

1331. Since your time and in your predecessor's time there was not?—No, I believe not.

1332. All the premises belonging to the school, or used by the school, are those included in the lease of the 17th August, 1728?—Yes.

1333. Have you any record in the office of what has become of the other land formerly used in connection with the school?—There is a field there immediately adjoining, called the "cricket field," which has been used for building.

1334. Mr. Justice O'BRIEN.—When was that?—A few years ago.

1335. Was it taken for building purposes on Lord Roden's estate?—Yes, as part of his building ground.

1336. Lord Justice FITZGERSON.—Have you any story of how the lands were held before they were taken up?—No.

1337. How long is the lease of the school property?—For 999 years.

1338. Mr. Justice O'BRIEN.—Have you any means of knowing when the field was taken for the purpose of building?—I believe it was three or four years ago, or perhaps more.

1339. (To Mr. Johnston).—What time was it taken from you?—About four years ago.

1340. Lord Justice FITZGERSON.—The devise is of the plot of ground on which the free school is built, together with the yard or court thereto belonging, described as containing 188 feet front, and extending to the old wall of the Abbey. There is no field mentioned there?—No.

1341. Mr. Justice O'BRIEN.—Are there houses built on the field?—Eight or ten.

1342. Lord Justice FITZGERSON.—The evidence of Mr. Johnston on the previous inquiry was this:—He was asked:—

"How were you appointed?"
and he said:—

"I saw an advertisement in one of the papers, and I wrote in answer to it to Mr. William Robson, the then agent. I came down and saw the place, and accepted the appointment on the conditions he stated to me as an interview I had with him at the agency office."

1343. Mr. Justice O'BRIEN.—In what year was that evidence given?

Lord Justice FITZGERSON.—It was in 1836. He was then asked:—

"What were the conditions?"
and he said:—

"The endowment to be £50 a year, Irish currency; all rates, taxes, and repairs to be paid for by him, I to hold the cricket field at £16 per annum, so long as I held the head mastership. I think these were the main conditions."

"What were the premises of which you got possession?—The school premises, residence house, a garden of about an acre, and a field of two acres." "I presume the premises of which you got possession were those described in the report as comprising one acre two rods, statute measure?"
—"Yes, that would be about the extent of the garden, the school yard, the school, and the dwelling-house—about an acre and a half."

He then says the two acres additional is the cricket field. He is then asked:—

"Was there an entry made at the time of your appointment in the office?"
and he says:—

"Not in the office; I made an entry in my own book," and he says he did not give a copy of the memorandum to Mr. Robson, nor read it to him, and ask him if those were the terms. He is next asked:—

"Did you write memorandum soon after the agreement was entered into?"
and he said:—

"Yes, immediately afterwards, as I was going up after leaving the office."

1344. Mr. Justice O'BRIEN.—(To Mr. Johnston).—Is the cricket field the Grammar School field?—Yes.

1345. Is that lot for building now?—The greater part.

1346. Dr. TRAILL.—Was that done since you were here?—I think it was, the year before.

Lord Justice FITZGERSON.—Here is the memorandum that was referred to and handed in by Mr. Johnston:—

"Donagh Grammar School, endowment £50 a year, and all rates, taxes, repairs, etc., paid by Lord Roden; all painting, papering, etc., of school premises, but not interior of residence house, to be done by Lord Roden. Rates model to be given annually. To be paid £10 per annum for field as long as I hold mastership.

July, 1836."

On taking possession:—

"The place is yours now, you may do as you like with it; I have had a great deal of trouble with it. I hope you will be more wary years."

Then here is the evidence about the cricket field:—

"What about the cricket field?—I was ejected last winter by process of law. Then your position is this: that you are in possession of premises for which you cannot prove any title, you get an annual income of £50, and you manage the school as best you can?—Yes."

He was asked afterwards:—

"Have you ever seen a copy of the deed under which the £50 a year was granted?—I saw, on the table of the Court, a deed which was said to be the original deed, but I did not get it to examine."

1347. Dr. TRAILL.—(To Mr. Johnston).—What was the appearance of the deed?—It was a very old parchment.

1348. Mr. Justice O'BRIEN.—Who produced it?—Mr. Robson.

1349. Lord Justice FITZGERSON.—(To Mr. Stronge).—Is there a maintenance room attached to the castle where documents are kept?—Yes.

1350. (To Mr. Johnston).—You saw the deed?—I saw the deed there.

1351. Dr. TRAILL.—What was the nature of the deed?—It was the endowment.

1352. Lord Justice FITZGERSON.—(To Mr. Stronge).—Have you any suggestion to give as regards making this institution or school permanent or useful?—There are very few boys at the school. I believe it does not pay.

Lord Justice FITZGERSON.—We heard evidence from Mr. Johnston that he applied to Mr. Robson frequently to carry out the agreement, and to keep the premises in repair, but got no satisfaction. He read this letter he received from Mr. Robson:—

"I have been from home, or would have answered your letter sooner. I do not mind having some small repairs done when absolutely necessary, but I wish you to understand that Lord Roden is in no way bound to keep up the premises."

Oct. 22, 1862.
Mr. Stronge

Mr. Robson said he was not liable.

"The accuracy of the report is entirely denied by Lord Roden, who now represents the Earls of Limerick and Clancarrow, and Mr. Brice, the agent, stated that the ground on which the schoolhouse stands, and the lands attached thereto, are, and always were, part of the Roden estate, and that Lord Limerick built the schoolhouse at his own expense."

It is plain from this deed that whoever they belonged to, the premises were not the property of the Corporation, for they were denied by Mr. Fortescue.

Mr. Stronge.—I had a letter from Mr. Cruikshank, solicitor, this morning, saying that he has searched for the title deed, and cannot find it at all.

1353. Lord Justice FRYGIMSON.—But as long as you know that £30 Irish was regularly paid!—It was.

1354. Lord Justice FRYGIMSON.—Have you any idea whether in case of our framing a Scheme for the school Lord Roden, could get local gentlemen to look after it?—I could not tell you. I could communicate with Lord Roden on the subject.

1355. Mr. Justice O'BRIEN.—Have you found any conveyance in writing by the Corporation of Dundalk to Lord Roden or Lord Limerick?—I have not.

1356. There must have been some document in existence. This book shows nothing about the document that Mr. Johnston saw with Mr. Robson. To about what date does the first entry in the book go back?—There is no date.

1357. How long ago is it since the gentleman in whose handwriting it is in first was the agent?—It is about ten years ago, and Mr. Robson's father was agent.

Mr. George William Johnson examined, having been sworn on a previous occasion.

Mr. George
William
Johnson

1362. Lord Justice FRYGIMSON.—You still hold office as Master of the Endowed School?—Yes.

1363. You still receive the payment of £30 Irish half-yearly?—Yes.

1364. You got possession of the land beside the school?—Yes.

1365. You have a garden?—I have.

1366. Is that held under the lease or do you pay money for it?—I pay no money for it.

1367. Judging from its size would you say the plot of ground in your occupation is more than 133 feet in front?—It is considerably more than that.

1368. From the time you came there did the garden always go with the house and the land?—Always.

1369. How much land is there?—A good acre.

1370. Besides the garden you had possession of the cricket field at £10 a year?—Yes.

1371. You were evicted from it by process of law?—Yes.

1372. Mr. Justice O'BRIEN.—You have paid no rent at all for the part used as a garden?—No; it is beside the house.

1373. Lord Justice FRYGIMSON.—And has always gone with it so far as you know?—Yes; I have a knowledge of it from 1850.

1374. Mr. Justice O'BRIEN.—You were in Court, I believe, when the trial came on about the cricket field?—Yes.

1375. The deed was produced?—Yes.

1376. What was the reason for producing the deed, because to make title to the cricket field they had only to prove the letting and notice to quit—did they produce the title deed to distinguish the school premises from the cricket field?—Yes. I had a door in the wall from the garden into this cricket field, and it was sought to be proved that it always went with the garden.

1374a. Lord Justice FRYGIMSON.—Was any claim put forward at that time to the garden?—No.

Lord Justice FRYGIMSON.—There is the same thing found in the Corporation report, on their side, in 1855.

1378. Mr. Justice O'BRIEN.—Does that appear in the Municipal Report?

Lord Justice FRYGIMSON.—They say that the Corporation did not own the property.

Mr. Justice O'BRIEN.—In dealings between Estates and Local Corporations a great portion of the property has been given away by Corporations to private individuals.

1359. Professor DOUGHERTY (to Witness).—Have you considered the question of the future management of this endowment?—No; I have not.

1360. You don't know whether if a Board were formed for the purpose of superintending the school and administering the endowment Lord Roden would wish to be represented upon it?—I imagine he would. I could not say, I have never spoken to him on the subject.

1361. Lord Justice FRYGIMSON.—You would oblige us if you would communicate with Lord Roden upon this point. Lord Roden is under a liability to pay £50 Irish per year, and he pays it; and to that extent there is an undoubted endowment. We should like to know from you, or from Lord Roden directly, whether there are any suggestions you are prepared to make in regard to it. The building is going out of repair, and the school is decaying.

Mr. Justice O'BRIEN.—This book gives a very analysed summary of the payments to be made out of the Dundalk Estate Office, commencing from 1st January, 1861.

1377. So that the land held at £10 a year rent consisted of this "cricket field," but did not include the garden?—No.

1378. Then I presume that the case was that as there was a yearly rent of £10 for the field you could be evicted on notice to quit?—Yes.

1379. Since that, I believe that any repairs that had been done before have been discontinued?—Yes; and for some years before it. Mr. Robson repaired the place only once since I came to it.

1380. And he repudiated the obligation afterwards to do any repairs?—Yes.

1381. Has anything been done since?—No. The last storm took off some of the slates.

1382. Mr. Justice O'BRIEN.—Are the Corporation of Dundalk taking any interest in this matter?—Not at all.

1383. MESSRS. MOLEY.—Has nobody taken any interest in it?—No.

1384. Lord Justice FRYGIMSON.—Do the Commissioners of Education still send to you for the usual returns?—Yes.

1385. I believe the number of pupils is considerably reduced at the present time?—Yes.

1386. How many have you?—Three boarders.

1387. Are they coming from a distance?—There is one from Enniskillen.

1388. Was there at any time any claim made for free education upon the part of freemen of Dundalk?—No; I never heard anything of that.

1389. No one ever made any claim for it?—No.

1390. Mr. Justice O'BRIEN.—Do you receive any of your income from the pupils?—Yes, I do.

1391. Lord Justice FRYGIMSON.—How did the number of pupils come to be reduced?—There has been competition got up in the Incorporated Society's School since advanced pupils are admitted.

1392. Is there a sufficient number of day pupils in Dundalk for two schools, both giving the same class of education?—There is not room for two schools.

1393. What distinction existed between the two schools formerly?—The Grammar school was considered to be a high class school, and some of the parents would not send their children to the Incorporated Society's school, where they could not get a classical education.

1394. Can they now?—Yes. Classics are now taught in the Incorporated Society's school.

1395. Professor DOUGHERTY.—Do boys of all Protestant denominations attend the Incorporated Society's school?—I could not say that.

Mr. Finch.—Yes, Presbyterian and Church of Ireland.

1396. Lord Justice FITZGERALD (to Mr. Johnston).—Have you any further suggestions to make beyond what you have given now and on the former occasion?—No; but I think a Local Board should be appointed.

1397. Mr. Justice O'BRIEN.—No matter what Board there is it will not give you the money to keep up the buildings?—No, unless there is money to lay out on the buildings they will go to ruin.

1398. Lord Justice FITZGERALD.—While the Incorporated Society give a classical education to the

boys in their school, would the Board be able to make a successful school of the Grammar school at the same time?—I should think not.

1399. Dr. TRAILL.—How much would the premises sell for if the ground was sold for building ground?—I don't know.

1400. Mr. Justice O'BRIEN.—Wouldn't the ground itself be of some value?—The house would be of no value, but the garden is of value.

1401. Isn't it situated in a central position in the town?—It is central.

1402. Near any of the new buildings?—Yes.

1403. Dr. TRAILL.—Is building going on near the premises?—Yes, on the back, or side of the yard.

1404. Lord Justice FITZGERALD.—The premises front two streets?—Yes.

1405. And you say they are valuable as building ground?—Yes.

1406. Lord Justice FITZGERALD.—As there is the Incorporated Society school, and keeping open two schools of the same class is injurious to both, having regard to the estate interest in the matter, some proposal to utilize these premises might be better than keeping open a struggling school.

Mr. Thomas A. Finch (Master of the Incorporated Society's School) examined, having been sworn on a previous occasion.

1407. Lord Justice FITZGERALD.—About what number of day pupils have you now?—The present number is nineteen.

1408. They include all denominations of Protestants?—Yes.

1409. Do you prepare the boys for the Intermediate Examinations?—Yes.

1410. To what extent has there been a change in the curriculum?—Since I came we have a competent classical master to assist.

1411. That is beyond the education of the school given originally?—Yes.

1412. Dr. TRAILL.—That is not paid for from the endowment?—No.

1413. Lord Justice FITZGERALD.—What are the terms?—Two guineas a quarter.

1414. Dr. TRAILL.—How many boys have you altogether?—At present sixty-two.

1415. Monsignor MOLLOY.—Do they come from all parts of Ireland?—Yes, but mostly from districts in the North. There are some from Dublin, Louth, and Belfast.

1416. Dr. TRAILL.—What are the fees?—Favour boards £36, and £24 for the others.

1417. Monsignor MOLLOY.—To what career in life do they generally go?—Numbers of them enter the University.

1418. Which University?—As a rule they enter Trinity.

1419. Mr. Justice O'BRIEN.—Do any of them go to the London University?—No.

1420. Dr. TRAILL.—How do you account for there not being more day boys in such a large town?—They are not in the town.

1421. Is there a Model School here?—No.

1422. Lord Justice FITZGERALD.—What is there here as a competing school besides Mr. Johnston's?—There is none but the Mariet School.

1423. Mr. Justice O'BRIEN.—In the Mariet School there are pupils from America?—Yes.

1424. To Mr. Johnston.—Where do your two pupils come from?—Ceylon.

1425. Dr. TRAILL (To Mr. Finch).—Where do yours come from?—There are two from South Africa.

1426. How many hall boarders have you?—Forty-two.

1427. There are 30 foundationers?—Yes.

1428. Are their places kept full?—Yes.

1429. Professor DOUGHERTY.—Are they all free?—Yes.

1430. Selected by competition?—Yes.

1431. Where do they come from?—From the Dioceses of Armagh, and Down and Connor and Dromore.

1432. Monsignor MOLLOY.—You said that some of the pupils go to one of the Universities. To what other career do they go?—Some enter the Civil Service, and some take to a commercial life.

1433. Professor DOUGHERTY.—Some of the Belfast boys I suppose go to business?—Yes.

1434. Mr. Justice O'BRIEN.—Some go to be doctors?—Yes, and other professions.

1435. Monsignor MOLLOY.—Do many take up an industrial or a manufacturing career?—A great many.

1436. Mr. Justice O'BRIEN.—Has there not been an increase of pupils in the schools on account of the railway establishment being transferred to Derriford? That was before my time. I think a good number of them are not of our denomination.

1437. Professor DOUGHERTY.—Your school is not restricted to any particular denomination?—No.

1438. Dr. TRAILL.—The foundation boarders are members of the Church of Ireland?—Yes, I believe so.

1439. Professor DOUGHERTY.—How many of the day pupils belong to other denominations than your own Church?—I should say there are almost half.

1440. Dr. TRAILL.—Of boarders, what are they?—I think we have six Presbyterian boarders, and two Methodists.

1441. Mr. Justice O'BRIEN.—They pay for themselves, and the others must be Church of Ireland?—Yes.

1442. Dr. TRAILL.—Is the allowance of 1s. a day to boarders given still?—No, it is not, it is 10d. now.

1443. Not paid during vacation?—No.

1444. Lord Justice FITZGERALD.—Is there any one connected with the Corporation present? We are trying to make this property useful for the purposes of education, and if we could get this deed it would greatly help us. The evidence is given that it existed, and in all probability it was produced on the occasion of the trial, but as it was not wanted for legal evidence it may have been mislaid. I am sure Lord Roden would give us any assistance in his power to utilize this property, and we would be quite open to receive suggestions in regard to realizing the value of the premises if they cannot be useful further as a Grammar school.

The Inquiry then concluded.

Oct. 12, 1891.
Mr. George
William
Johnston.

Mr. Thomas A.
Finch.

Oct. 23, 1891.

PUBLIC SITTING—FRIDAY, OCTOBER 23, 1891.

Present:—The Right Hon. Lord Justice FITZGIBSON, and the Right Hon. Mr. Justice O'BRIEN, Judicial Commissioners; and the Right Rev. GERALD MOLLOY, D.D., D.S.C., ANTHONY TRAILL, Esq., LL.D., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, M.A., was in attendance.

CARRICKMACROSS ENDOWED SCHOOL.

1445. Lord Justice FITZGIBSON.—We have appointed this sitting to take evidence as to the Carrickmacross Grammar School. This school was founded by Lord Weymouth, on April 25, 1711. The endowment consists of a schoolhouse and garden, and a rentcharge of £70 per annum on the estates now vested in the Marquis of Bath. The objects of this endowment are the maintenance of a master of the Grammar School, and the repairs of the schoolhouse. The master was to be a Graduate of Dublin, Oxford or Cambridge, a layman or clergyman without benefice, and he was to instruct children of tenants of the former and other youths of the Barony of Farnley, and other pupils, at the same rate of charge as in schools in Dublin and Drogheda. He was to teach them the Church catechism, Latin, Greek, Hebrew, oratory, poetry, composition (English and Latin), antiquities, arithmetic, geography, surveying, and practical mathematics. The school was to be under the regulation of the master and visitors; prayers were to be read morning and evening; and the school to be visited yearly by the Lord Primate, the Vice-Chancellor of the University of Dublin, the Bishop of Clogher, and the Provost of Trinity College, Dublin, or two of them. In 1859 the condition of the school as regards the instruction was reported to

be very satisfactory, twenty-six pupils being in attendance. In 1880, the school was inspected by Mr. Mahaffy, who reported that at that time the school afforded one of the most signal cases of an endowment which had lost its usefulness. He gave a lamentable description of the place and suggested that "if the endowment be not handed over to the Roman Catholic schools in the town, it should be applied in some other way for the benefit of Lord Bath's tenants in other and more efficient schools. A certain number might be sent as boarders to the Dundalk Grammar School, and thus this latter school would be strengthened, while the remainder of an endowed sum and its pensioner occupant would be spared to the town of Carrickmacross." We hope to find a better state of things now. We want, first, evidence of the present condition of the school, and then to hear any suggestions which those interested are prepared to give in order to secure the efficiency of the school, or utilize the endowment in whatever way may seem best. The former reports refer to the neglect of visitations. I see the Bishop of Clogher here, and from what he has done in other cases, I am encouraged to hope for an interest being taken by him in this school not previously shown by others.

Right Rev. C. M. Stack, D.D., Lord Bishop of Clogher, examined.

1446. Lord Justice FITZGIBSON.—You are one of the visitors of Carrickmacross Grammar School?

The Bishop of Clogher.—The late Provost and I visited it. We went into the whole matter, saw the various documents, and considered, as far as we were capable of doing, what was intended originally, and the state of the school at present. We gave a report which amounted to this—that taking into consideration the small amount of endowment, and the circumstances of the school, it was probably doing as much work as had been expected in the first instance. It had no doubt fallen off greatly in the late master's time, for unfortunately there was no superannuation fund. He had worked hard for a good number of years. He had at one time thirty-five boarders. He naturally got old, teaching in a wearisome vocation, the pupils fell away, and lastly he had nothing more than a sinecure.

1447. That relates to the time when Mr. Mahaffy saw the place?—Yes.

1448. Was the office a freehold for life?—Yes.

1449. When was the present master appointed?—In 1884. I might mention another matter. This school at one time was called a great school. That arose, as I have been informed, from factitious circumstances. Dr. Hogg, the master, was a relative of Dr. Dooly, of Dungannon Royal School, who was a most successful teacher. His school overflowed to Carrickmacross. Additional buildings were put up at that

time. They were run up very cheaply, and for a special occasion, and it is because of these additional buildings that the place looked dilapidated. It seemed to us, when we visited the place, that if they were removed, and we went back to the original buildings as they were before the time of exceptional prosperity, we would find them quite suitable for the purposes of the school. The old building is a good one.

1450. Has not the Marquis of Bath's estate been sold under the Ashbourne Act?—It has.

1451. The owner of the estate appears to have had the appointment of the master?—Yes, subject to the approval of the visitors, but lapsing to the Provost and Bishop.

1452. As the owner of the estate has ceased to be so, have you any suggestion to make as to the future appointment of the master?—Yes, and so forth.—If you thought the school exempt from some compulsory jurisdiction, we would, so far as my voice goes, apply for a new scheme. It is necessary that we should have it, and I don't think there would be much difficulty in arranging it. It is unreasonable that the Primate should have to come down to Carrickmacross.

1453. What would you suggest?—That is scarcely a question that I could answer you.

1454. Who has custody of the deed of foundation? Rev. Benjamin Nugent.—The original deed appears to have been lost. Here is an old copy [produced].

Rev. Benjamin Moffatt examined.

1445. 1891.

Rev. Dr. and Mr. Moffatt.

1445. Lord Justice FRYGROVE.—You are the Rector of the Parish of Carrickmacross?—Yes.

1446. Do you know anything about this Grammar School?—I have no official connection with it. I think it is for the Commissioners to consider if it is not a case for exemption under the Act.

1447. We will consider that when we see the deed of foundation, but, assuming it to be exempt, we could settle a scheme by consent, preserving the principle of the foundation, and I understand that the Bishop thinks a new scheme would be necessary?

Bishop of Clogher.—Absolutely.

1448. When we get the evidence of the mode in which the school is worked, and read the original deed of foundation we can deal with the question of exemption.

Mr. Maguire.—I can produce evidence to show that it does not come within the cases for exemption.

Mr. Lennon.—The Governing Body is in the same position as in Killybegs.

Lord Justice FRYGROVE.—The foundation deed is very similar to that of Killybegs College.

Mr. Lennon.—The statutes were copied from those of Killybegs College.

Very Rev. Dean BERNINGHAM, D.D.—I would be opposed to Mr. Moffatt about the extension of the school. The school comes directly under your jurisdiction. It has always been used as an unsectarian school. It was founded by Viscount Weymouth, for the benefit of the children of his tenants, and generally for the use of the barony of Farnery; and there was no distinction about religion.

1449. Mr. Justice O'BRIEN.—In your experience have Catholics gone there?

Dean BERNINGHAM.—I was a pupil in that school for three years myself—from 1836 till 1842.

1450. Dr. TRAILL.—Were you taught the Church Catechism while there?—No, I was not.

1451. That should have been taught, according to the terms of the foundation?—Well, I attended the school for three years—in the morning at half-past nine, and in the evenings.

1452. Mr. Justice O'BRIEN.—Were there other Catholic pupils there at the time?—There were twelve Catholic pupils with me.

1453. Monsignor MALLON.—How many pupils were there?—Twenty day scholars, and forty boarders.

1454. Then the Catholic day pupils were about half the number?—More than half. I think there were only six or seven Protestant day scholars attending during all the time.

1455. Lord Justice FRYGROVE.—The statutes provide that the Governing Body are to be all of the same denomination, members of the Established Church. The statutes are nineteen in number, and are annexed to the copy of the original deed, which recites that the master of the school shall from time to time be nominated and chosen by the Governors; it provides that there shall be an usher maintained by the master, and that he is not to take any other employment; that the master shall instruct children of tenants of the founder and other youths of the barony of Farnery, and other pupils, at the same rate of charge as in schools in Dublin and Drogheda; and there are provisions about school hours which do not bear on the matter. The master is to take such special care of the scholars as he would of his own family in giving them instruction; the usher is to keep a register of the pupils, and to keep the school and schoolhouse in proper order; the Vice-Chancellor of the University, the Bishop of Clogher, and the Provost, for the time being, shall be the visitors; and

there are provisions for their acting in case of neglect of duty by the master.

Very Rev. Dean BERNINGHAM.—I could not agree with the remarks that have fallen from the Bishop as to Dr. Hogg. I happened to be there before Dr. Hogg. I was under Dr. Mackay, and the school had then great efficiency. Dr. Hogg came to Carrickmacross school while I was there, and remained till 1843, and the school has not been so efficient since. It has been decaying rapidly. Catholics have always attended that school. In any time there were twelve Catholic pupils, the school hours were from seven to nine in the evening, and from 10.30 to three in the morning. We never commenced our studies with prayers in the school. We never heard of them. That provision was understood to refer to the boarders. I said my own prayers. The boarders might retire for private prayers.

1456. Dr. TRAILL.—Were the boarders all of the same denomination?—Yes.

1457. Lord Justice FRYGROVE.—It appears that there were pupils who did not observe the regulations imposed by the deed of foundation. Were you all paying scholars?—We did not know anything about the grant for free education. We were all paying pupils.

1458. The Roman Catholic pupils were all paying pupils?—Yes. There were some Protestant pupils free, and that was thought a compliance with the Charter. Mr. O'Flaherty got his education free, I think.

1459. Mr. Justice O'BRIEN.—Was he a Protestant?—No I think I may say, accurately, that the Catholic scholars always paid.

1460. Dr. TRAILL.—If there was mixed education then why not return to the same system?—I will have nothing to say to that now.

1461. Mr. Justice O'BRIEN.—Would you say that if there was an efficient school it would be used by Catholic pupils in Carrickmacross?—I should not wish any Catholic scholars of mine in the parish to go to a mixed school of boys and girls, and I could not agree to it.

1462. Lord Justice FRYGROVE.—Would it be possible to have a mixed school here arranged that would be satisfactory to you?—I was satisfied with the school in my own time for it was a first-class school, and a first-class education was given.

1463. Dr. TRAILL.—Is your objection about the boys and girls being grown up—did the boys and girls get their education together?—Yes.

1464. Lord Justice FRYGROVE.—I should like to ask the Bishop a question. A number of schemes have been settled which provide that pupils not belonging to the particular denomination with which the endowment is primarily connected shall receive instruction under a conscience clause. Would you think it desirable to have the school of that character or would you restrict it to pupils of one denomination?

Bishop of Clogher.—We have not thought of anything else but a school for all denominations with a conscience clause. We did not think it would be feasible to carry it on for one denomination.

Dean BERNINGHAM.—If that were so, then we might claim the school.

1465. You would have to teach the catechism then every morning.

Mr. Lennon.—I would have no objection to a conscience clause for paying pupils. It is not a misapplication of the endowment.

1466. There is no application of the endowment for paying pupils.

Bishop of Clogher.—I would raise no objection to a conscience clause for day boys.

Oct. 25, 1901.
—
Rev. Dr. Justin
Molloy.

Dean Bermingham.—I saw in the report of Lord Kildare's Commission that the course of instruction is laid down, and that Scriptural instruction and the Church catechism are to be for boarders.

Lord Justice FRYGIER.—I have read the 11th and 12th clauses of the deed of foundation.

Dean Bermingham.—That clearly refers to the Protestant children.

Dr. TRAHA.—Every one else is ignored.

Dean Bermingham.—Nineteen-tenths of the pupils were from Farnley formerly.

Mr. Thomas Trowan, sworn, examined.

Mr. Thomas
Trowan.

1477. Lord Justice FRYGIER.—When were you appointed master of the Carrickmacross Grammar School?—In 1884.

1478. By whom?—The Marquis of Bath.

1479. In writing?—Yes, in writing. I had the deed of appointment drawn by a solicitor.

1480. Kindly let us have it. When you came to the school, what was the condition of the building?—The main building, which was originally intended for the school, was in a very poor condition. I had a good deal of repair to make at my own expense. There were two wings built in Dr. Hogg's time; they are a nuisance, and I should have pulled them down if I had had permission.

1481. Before you came how many pupils had there been?—None that I could tell. There was no roll or register or anything to show the number of pupils.

1482. What had been your previous occupation?—I was in a primary school at Derry, and in the model school at Belfast for a length of time.

1483. Are you a graduate of Trinity College, Dublin?—Yes.

1484. After you came what number of pupils had you?—I got up to about 24 or 25.

1485. Were they all boys?—No, there were some girls. There were some members of the same family, and it was thought expedient to take boys and girls. They were taught together.

1486. Have you, since you came, carried it on as a mixed school for boys and girls?—Yes.

1487. How many pupils have you now?—Thirteen.

1488. Where do they come from?—From the town and district—some for three miles away.

1489. Of what religion are they?—They all belong to the Episcopal Church, except two Presbyterians.

1490. Are there any fee pupils?—There are some that are practically free. I find a difficulty in getting the school free from some, but none of them are free.

1491. Monsignor MOLLOY.—How are the fees determined?—They range from 10s. 6d. to 2 guineas a quarter. I issued a prospectus. [Prospectus handed in.]

1492. You have been preparing pupils for the Intermediate examinations?—I have. I had three or four pupils who passed. One boy took the highest marks recorded for many years.

1493. Professor DOUGHERTY.—What subjects do you teach?—I prepare pupils for the university, the solicitors, and other examinations.

1494. Do you teach Greek and Latin?—Yes, and French and English.

1495. Have you an assistant?—Not now, I had a lady assistant for some time.

1496. Are you teaching all the subjects yourself?—Yes.

1497. Monsignor MOLLOY.—Do the boys and girls attend the same classes?—They do.

1498. How many boys and girls are there?—Six girls and seven boys.

1499. Mr. Justice O'BRIEN.—What are the ages of the pupils?—They vary from eight to sixteen.

1500. Are there girls of sixteen years of age attending?—One or two of about that age.

1501. Professor DOUGHERTY.—Do you find any difficulty in managing the school with this arrangement?—Not at all.

1502. You were accustomed to it before you came to Carrickmacross?—Yes. I never found any difficulty.

1503. Monsignor MOLLOY.—Have you any hope of getting boarders?—I do hope so, but I find that when once a place loses its name it is difficult to raise it up again.

1504. Have you any boarders at present?—None, I had two at one time.

1505. Mr. Justice O'BRIEN.—What advantage would you gain by portion of the building being removed?—There is a narrow heap in the adjacent yard against the wall of one of the wings.

1506. Monsignor MOLLOY.—You could not sleep in these buildings?—No, I could not. The only use I make of that part of the premises is to keep a watch-dog there, and lumber.

1507. Lord Justice FRYGIER.—Are there any number of pupils in Carrickmacross who would come to the school if three were local interest taken in it?—Yes, if the fees were brought within their reach. It would affect the primary schools, which is not desirable.

1508. What other schools are there?—Four; three in connection with the Roman Catholic, and one in connection with the Episcopal Church—primary school.

1509. What is the course in these schools?—I am not aware.

1510. Mr. Justice O'BRIEN.—Where do the Catholic boys of Carrickmacross acquire a higher education than they can get at primary schools?—I had two or three during part of my time, but they were taken away, I could not tell why.

1511. Taken away at the same time?—Yes, about the one time.

1512. Have you a conscience clause in force in the school?—I gave a certain time in the morning, when I did not ask them to come into the school.

1513. That was when you carried out the statute?—Yes.

1514. As regards the endowment, have you any pupils coming in as if free?—No. In the circular I issued I said that the place was open for pupils.

1515. What were the conditions?—I had none definitely arranged, but I intended that the few scholars should keep the school in order for me.

1516. The conditions you contemplated did not refer to the original foundation?—Certainly not.

1517. Mr. Maguire.—You stated that there are no Catholic pupils at present?—No Roman Catholics.

1518. Have not some been attending from time to time?—Yes.

Q46, 25, 1891.
—
Mr. Thomas
Trevelyan.

1519. Is Mr. Dwyer's son attending at present?—Not at present.

1520. How long has he left?—I could not say.

1521. He is a Catholic?—So it appears.

1522. Mr. Justice O'BRIEN.—Was he there during your time?—Yes, about a year and a half since.

1523. Did you know a son of Mr. Phelan?—Yes.

1524. Was he attending?—Yes.

1525. Lord Justice FRYGROVE.—You would take pupils of any denomination if they came and pay?—Yes.

1526. Were any complaints made of the efficiency of the school by the pupils?—Not to my knowledge. One of these Roman Catholic pupils after leaving the school, attended in the evening with me, and received instruction for the Entrance Examination of the Royal College of Surgeons.

1527. Mr. Justice O'BRIEN.—Did he pay any extra charge?—He paid for the tuition as he was no longer a regular pupil of the school.

1528. Dr. TRAILL.—Was any notice given to you to account for the pupils going away?—None at all.

1529. Monsignor MOLLAY.—Were any of the pupils free pupils?—None of them nominally free.

1530. Lord Justice FRYGROVE.—Neither Protestant nor Catholic in your time came in nominally free?—None.

1531. None came in free as of right?—None at all.

1532. But it was contemplated by the foundation that some should come in as of right free?—When I was appointed I had no idea of what the Charter was, or what the Statutes and things connected with them were.

1533. Monsignor MOLLAY.—Did any Catholic pupils apply to come as free pupils on "conditions that may be learned on application to the master"?—Not one.

1534. Dr. TRAILL.—Did any person take advantage of the offer?—None at all.

1535. Monsignor MOLLAY.—You advertised for free pupils to be admitted "on conditions that may be learned on application to the master"?—Yes.

1536. Were any among the free pupils so admitted Roman Catholics?—We had none.

1537. Would your conditions include a reduction of the fees?—I admitted pupils from 10s. 6d. to £2 for the school quarter.

1538. You said you had made certain arrangements to reduce the fees?—I would, if it was taken advantage of.

1539. Did any Catholics take advantage of it?—None.

1540. Who pays you now?—The Land Commission.

Mr. Maguire.—The lands are nominally in the hands of the Land Commission.

1541. Lord Justice FRYGROVE (to witness).—Is the salary of the master paid through the Land Commission?—Yes.

1542. Then they have the endowment fund?—I am paid every year.

1543. Is the town of Carrickmacross part of the Bath estate?—Part of Carrickmacross only.

Mr. Maguire.—Half the town. The main street divides the two properties.

1544. Who is the other owner?—Mr. Shiley.

1545. Mr. Maguire (to witness).—Do you ever remember a pupil there named Corrigan?—No.

1546. Lord Justice FRYGROVE.—No doubt a number of Catholics have attended the school, but the words of the deed are clear. The exclusive control seems to be in the Vice-Chancellor of the University, the Bishop of the Diocese, and the Provost, and other things are mentioned—such as teaching the catechism and having prayers, from which it would appear that the pupils getting the benefit of the endowment were assumed to be Protestants.

Mr. Maguire.—I don't think that is so. I dare say Mr. Phelan, who is an old inhabitant, could give some evidence.

1547. Lord Justice FRYGROVE.—We should be glad to hear Mr. Phelan.

Mr. Phelan.—I have nothing to add to what has been said. I took my boy from Mr. Trevelyan's school and sent him to a seminary school in Monaghan.

1548. Lord Justice FRYGROVE.—Whatever view we take as to the character or nature of the endowment, it is not suggested that day boys of any denomination should be excluded from the school, but I do not know that we could go against the foundation as to boarders.

Mr. Phelan.—I can say that for thirty-four years I have known Catholic pupils attending the school.

1549. Mr. Blackadder, solicitor.—I would ask would the effect of the provisions of the deed about free teaching be that should Catholic children present themselves to be taught, they would have to submit to be taught the Church catechism?

Lord Justice FRYGROVE.—Yes.

Mr. Justice O'BRIEN.—But when they come with their money, there is no objection.

Dean Birmingham.—During my three years in the school there was not the least hint sent out about the free boys being taught the catechism. There was no such thing in the school at all. The boarders may have had scriptural instruction when we went away in the evening, or in the morning, and probably on Sunday.

1550. Monsignor MOLLAY.—Have Protestant day scholars gone to school to get religious instruction?—Not one. I could say positively that not a single Protestant day scholar in any time for three years ever attended that instruction.

1551. Dr. TRAILL.—Will it satisfy you in drawing a scheme that we should guard the rights of any Roman Catholic pupils?

Dean Birmingham.—There was no religious instruction for us in any time when Dr. Hogg or Dr. Mackay were there. I might say that the clause for religious instruction and catechism appeared to be a dead letter. We knew nothing about it. So far as I can see, the course of instruction laid down referred to boarders, or was so interpreted. Mr. George W. Abraham says he is under the impression that the master of the school is bound to teach the tenants of Lord Weymouth and other youths of Farney.

Lord Justice FRYGROVE.—We will ask the visitors to send to the office any proposal they wish to submit to us. We should like to have that before attempting to publish a draft scheme, but it should be sent soon, for the school is going down rapidly.

The inquiry then concluded.

PUBLIC SITTING—SATURDAY, OCTOBER 24, 1891.

At the Courthouse, Ballycastle.

Present:—The Right Hon. Lord Justice FITZGERSON and the Right Hon. Mr. Justice O'HARRY, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., D.Sc., ANTHONY TRAILL, Esq., LL.D., M.D., F.R.C.S., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, M.A., was in attendance.

Lord Justice FITZGERSON made an introductory statement.

SCHEME No. 89.—BENDOGRAH SCHOOL, BALLYMONEY.

(OBJECTIONS AND AMENDMENTS.)

1892. Lord Justice FITZGERSON.—The first communication we have received in reference to Bendograh School was from the Rev. Canon O'Hara, rector of Coleraine, who stated that he was surprised to hear that objection was made to the school being included in the Scheme for the Diocese of Connor. He said he understood the objection came from certain Presbyterians who claimed the school. He was under the impression from his father, the Rev. James O'Hara, the owner of the property on which the school was built, that there was no ground for the Presbyterian claim, and he stated the facts of the case as follows:—

"Before he (my father) became owner of the property in 1823, a lease of the site on which the school was built was given to the Kildare-place Society. The school which had been held in a cottage on my father's property, was transferred to a building erected on the leased site which had been paid for by public subscription to which my father and members of his family were the chief contributors. I believe that lease must be still with the Kildare-place Society papers, but I have never seen it, nor has my father, nor do we know who are the trustees under it, or the date of its execution. The school was in existence for several years under the management of my father and members of his family, who were assisted by a Presbyterian clergyman, a Mr. Park, of Ballymoney. Prior to 1840, Mr. Park tried to establish a National School in the building, but as my father objecting the Commissioners refused a grant. My father in later years started a Church Education School in the building which was given up, I think, about the year 1866, from want of funds. All this while and up to the present day my father retains possession of the schoolhouse, paying all rates and taxes on it, and has either kept it in repair himself or subscribed largely to collections made by those using the school for this purpose. A Sunday school has for a great many years been held in it by his permission. This school is, I am informed, in connexion with a Presbyterian Congregation in Ballymoney. I enclose a document, signed by the present conductors of the Sunday school, when they received the key from my father in 1870."

He adds that since then a dispute arose between one of the teachers and Mr. Osborne, the minister of the Congregation with which the school is connected. Both referred the matter to Canon O'Hara's father, and the Canon, on his behalf as the owner of the building, decided it. This, he thinks, shows plainly that neither Mr. Osborne nor the teacher knew of any such claim as that now advanced on behalf of the Presbyterians. He states that his father has never been able to see the lease above referred to; that he has always regarded the school as his property in the absence of any claim under the lease, and he objected to it being inserted in the Route Presbytery Scheme, and insisted that it should be held in the Diocesan Scheme.

Rev. Canon O'Hara.—It might simplify matters if I state that my father having seen the case is quite satisfied that he is not entitled to the ownership, and I therefore beg, on his behalf, to withdraw the school from the Diocesan Scheme.

Lord Justice FITZGERSON.—The matter now resolves

into the question whether or not the school should be retained in the Route Presbytery Scheme. The Presbytery of Route state they have already produced evidence to the effect that there was a lease given, but they affirm that it was given to three trustees, all Presbyterians. They refer us to the affidavit of Daniel Cooper, produced at our sitting in Belfast. They further state that the present schoolhouse was erected on the leased site. Mr. O'Hara, they add, states "it was built by 'public subscription,'" and adds "his father and the members of his family" were the chief contributors." In reply to this they quote an extract from the sworn testimony of the Rev. Robert Park, minister of First Presbyterian Congregation of Ballymoney, given in 1874, with regard to Bendograh Schoolhouse and others. The extract goes to prove that the Kildare-place Society contributed £30 to the building, and that the local subscribers were almost all, if not all, Presbyterians. As to the management of the school, they have brought forward facts to show that Mr. Park was principally concerned in getting up the school, and they affirm "that 'all repairs done were initiated by the Presbyterians of the district.'" As to the arrangement about the Sunday school, they send in the affidavit of the two persons who signed the alleged agreement, and who affirm:—

"That they were not the authorities of the school, and had no power to sign such agreement, because the schoolhouse was the property of the Presbyterians of the district, and the Sabbath school was at that time under the superintendence of Mr. Boyd, of Drogheda, a member of the First Presbyterian Congregation of Ballymoney, and has always been under the care of that Congregation."

We ultimately got the document under which the schoolhouse is held. It is an indenture, dated August 25th, 1836, between Charles O'Hara of the one part, and the Rev. Robert Park, Saml. Cooper, John McMichael, and John Peckin, in trust for the subscribers to a fund for the erection of a schoolhouse at Bendograh, in connexion with the Kildare-place Society, and their successors to be chosen by the subscribers and their successors contributing to the support of the school, of the other part. There follows a description of the plot of ground upon which "a schoolhouse had lately been built in connexion with the said Society, for the education of the youth of the immediate neighbourhood." It was to be a school in connexion with the Kildare-place Society. The fundamental rule of this society was that the Scriptures should be read daily without comment, and that all religious books and teachers should be entirely excluded. These schools were to be available to pupils of all religious denominations. A very great number of the Kildare-place Society Schools—probably the great majority of them still in existence—have become church schools, for after the establishment of the National Board in 1833, there were the schools which stood out most against being under the management of clergymen not in the Church. On the question, whether this Bendograh

school has become a Presbyterian school, there is a declaration by Mr. Daniel Cooper, who describes how the school was built and conducted, and gives the following:—

"Extract from account of schools in the Parish of Ballymoney, in conformity with the wishes of a Commission appointed by Parliament to inquire into the state of education in Ireland, by the Rev. Robert Park, 1824," states:—"Bendborough, Townland of Bendborough, Robert Stuen, teacher. School commenced in 1818, held open every day in the week, Sunday excepted, and open throughout the year. He is a Presbyterian; requested last February by the parents of the children to take charge of them; twenty-two years of age, of good moral character, qualified to teach reading, writing, and arithmetic; was educated in the town of Ballymoney. The school attended by 26 males and 23 females—2 of Established Church, 34 Presbyterians, and 3 Roman Catholics. In February, there were 29; last summer, about 20; & in 26 was ready about 12 months considered necessary to teach to read. Annual income £18, arising from the parents of the children. As the school is now in connection with the Education Society it is hoped, that the master's conduct will entitle him to a gratuity from the Commission; £2, 1s. per quarter charged for the children. The school is held in an apartment in a farmhouse in most wretched repair; it is 13 feet by 10½ feet; night cost 2s; no accommodation; seats of stone or turf. The teacher pays as annual rent for it 9s. A new school is in the way of being built, to which the Education Society have granted most kindly £20. The school is in connection with the Education Society, Kildare-place, since November last, that connection formed in consequence of an application by the Rev. Robert Park, for aid of building a schoolhouse. So far as the present circumstances of the school will permit, the rules of that society are strictly adhered to. A Committee of the subscribers to the erection of the new schoolhouse has been formed, but as superintendence has not been exercised by them. The Rev. Robert Park, the Presbyterian minister, has occasionally visited the school, but not regular days for visiting, nor does he otherwise than by advice encourage a strict adherence to the rules of the Education Society. The Presbyterian minister has been more particular since the connection with the Education Society in November last."

This extract then states the number of Bibles and other books in the school. We have also got a statement from the Rev. James O'Hara, and one from Robert Cooper and James Patterson. These all refer to the question of the income now claimed up by the statement made to-day by Canon O'Hara. The House of Commons state that since the discovery of the fence

they have traced the trustees. They also state that they have been informed that the legal representative of the last surviving trustee has power to consent to the inclusion of the property in their Scheme, and they add:—

"We beg, therefore, to submit the accompanying documents as evidence that the Rev. Robert Park, formerly minister of the first Presbyterian Church, Ballymoney, and now deceased, was the last surviving trustee, and that John Park, M.A., Professor in Queen's College, Belfast, eldest son of Rev. Robert Park, is his heir-at-law."

The documents are, first a declaration made by the Rev. Saml. Wallace, minister of Drumrough, to prove that John Parkin, otherwise John Picken, died on the 30th December, 1804, and that Rev. Robert Park died 16th of May, 1876; second a declaration made by Archibald Gillespie, of Bendborough, to prove that John McMichael died previous to the year 1859, and that Samuel Cooper, and then of the trustees, died in America considerably over twenty years ago. They say that, therefore, the Rev. Robert Park was the last surviving trustee, "Professor John Park, eldest son and legal representative of Rev. R. Park, placed in the hands of Rev. A. H. Dill the letters of administration granted to his mother of the personal estate and effects of his father, who died intestate," and they submit Professor Park's consent to the school building and premises of Bendborough, being included in the Scheme of the Presbytery of Roule, and they request us to have the building and premises so included. We have now succeeded in clearing up the title, which is undoubtedly subject to a perpetual trust for carrying on the school established shortly after 1824. Under our Act of Parliament Professor John Park would be a "Governing Body" and his consent we ought to get to prevent future confusion taking place. There is the question whether as an Educational Endowment it is within the section of the Act which requires consent. If I found that the school had been for sixty or seventy years continually under the management of a committee exclusively consisting of Presbyterians, and that the vast majority of the scholars were of that denomination, I should require strong evidence to meet the presumption, that the school is one which we should include in the Raploch Scheme.

MILLTOWN SCHOOL.

Rev. A. H. Dill (Ballymoney) sworn, examined by Mr. Martin.

1353. Are you minister of the First Presbyterian Congregation in Ballymoney?—Yes.

1354. And successor to the Rev. Mr. Park?—Yes.

1355. You are familiar with this school at Milltown?—Yes.

1356. In whom was it vested?—The manager is Mr. Thomas Hamilton.

1357. Is he a member of your congregation?—He is.

1358. Do you know the trustees?—I am not prepared to answer. There are two schools at Milltown, and I think it is a question of identity.

1359. Lord Justice FLEMING.—There is a school at Milltown vested in the National Board?—It is not this one in question.

1360. Lord Justice FLEMING.—Kindly send to our office the roll number of the school, included in the Scheme, the quantity of land held with it, and the names of the trustees, and if you can, ascertain the date of the deed under which it is held, send it also. The only question about the school has been raised by the National Commissioners of Education, who have a Milltown School on their roll.

Witness.—It is quite a mistake on the part of the National Board.

THE BUSHMILLS SCHOOL.

1361. Lord Justice FLEMING.—The Manager of Bushmills School and another gentleman have written to the National Board as to joining the Scheme. We are willing to add further Endowments on being furnished with the proper consent, and with evidence that

the schools are properly within the Scheme. But we cannot delay the Scheme indefinitely for that purpose. We are preparing a list of further Endowments that may be brought in afterwards by a Supplemental Scheme.

BENDDOORAGH SCHOOL.

1561. Mr. Martin.—I appear on behalf of the Route Presbytery, and I do not think after your remarks at the opening of the inquiry, that it is necessary for me to do more than give evidence as to the management of Benddooragh School as represented by the statement made by the Rev. Mr. Park, already received as evidence in this case. I do not know whether I should ask Canon O'Hara, were not all the trustees of the school Presbyterians?

Dr. TRAILL.—It is stated in the declaration made by Rev. Canon O'Hara, A.M., in May last, that one of the three trustees, John Peckin, was not a member of the Presbyterian Church, but a Baptist.

Mr. Martin.—We have additional evidence on this matter if you think it necessary.

1562. Lord Justice Fitzgerald (to Canon O'Hara).—We cannot put this school into the Diocesan Scheme; have you any objection to its going into the Presbyterian Scheme?

Canon O'Hara.—My father has no objection, to that course being adopted, provided two conditions are fulfilled. The first is that in case a day school is established on the premises, he or the clergyman of the Church of Ireland there should have, as a matter of right, power to go at suitable hours into the school and give religious instruction, the same as in a Vested National School.

1563. We can put a provision into the Scheme that the school shall be subject to the same rules as a Vested National School.

Mr. Martin.—We have no objection to that.

Canon O'Hara.—Then there is another point. There is a possibility that the premises may be allowed to fall into decay, and my father would be very unwilling that a place of that kind should become dilapidated and be an eyesore in the centre of his property, and he would like an arrangement made to have the premises kept in proper repair.

Mr. Martin.—You have it in evidence that the Presbyterians collected money to put the place in

repair recently. It is not likely, therefore, that we are going to let the building drop into a state of dilapidation.

1564. Lord Justice Fitzgerald.—At present your father has no power to compel them to keep the school-house in repair, but as long as the school is efficiently carried on it must be kept in some sort of repair. If the managers fail to do so the Central Body is bound to come in, and if they do not carry on the school they must realise its value for the purposes of the Endowment. Notice should be given to the landlord before the school could be disposed of by sale.

Dr. TRAILL.—There is a provision in the Scheme as to the Local School Authority keeping the school premises in repair.

Canon O'Hara.—Shall I have no locus standi as to keeping them in repair?

1565. Lord Justice Fitzgerald.—We cannot give you any additional protection beyond what you have at present. We cannot give you a right of pre-emption. Is there any rent paid?

Mr. Martin.—It has never been paid; it is a pepper-corn.

1566. Section 17 of the Scheme contains the provisions for disposing of the premises.

Mr. Martin.—I think section 20 of the scheme would meet what Canon O'Hara wants regarding religious instruction.

1567. What he wants is, that as regards religious instruction, the rules shall be the same as applies in Vested Schools under the National Board.

Mr. Martin.—We could not comply with that; it would be too sweeping.

1568. Recalled that this was originally a Ekkelesplace Society school!

Mr. Martin.—If you can apply it to Benddooragh School without having it applied to others it would be all right.

1569. You do not object to that?

Mr. Martin.—No, certainly not.

SCHEME No. 89.—JOHN SHARPE'S ENDOWMENT.

(OBJECTIONS AND ANSWERS.)

1570. Lord Justice Fitzgerald.—John Sharpe's will was made in 1798, and he bequeathed to James Stewart Moore, of Ballydivity; and Adam Hunter, Henry Clarke, and Charles McGildowney, £450 in trust to apply £250 thereof in erecting a schoolhouse in such convenient place in the parish of Ransome as his trustees should appoint, subject to the provision that the parishioners of Ransome Parish should engage to keep the schoolhouse in repair. As to the remainder of the bequest, they were to invest £200 in good security and to pay the interest of that sum to a proper and eligible schoolmaster, to be chosen by his trustees and the Protestant and Protestant Dissenting clergyman for the time being. It was also provided that the schoolmaster in consideration of this annuity should give free education to any number of children belonging to the parish, not exceeding twelve in all, whose parents should be unable to pay for their education. The children were to be nominated by his trustees and the clergyman mentioned, or a majority of them. The remainder of the £450 was also to be invested, and the interest on it to be paid at the Easter Vestry each year to poor householders of the parish who should not be common beggars. The school was opened in the Parish of Ransome, and the income of the bequest for educational purposes was applied to the benefit of the schoolmaster until 1838, and then the school was removed to a

new schoolhouse erected by parochial assessment near the parish church of Ransome, and from 1838 to 1853 the income was retained by John McGildowney, because the new school was not managed on a system agreeable to him. If there ever was any money of John Sharpe's spent in school building, it was on the school in existence before 1838, and I think you may take it for granted that there is more of John Sharpe's money in the building near the Church. By an agreement, dated April 7th, 1854, between John McGildowney, the Rev. William H. Biederman, Rector of Ransome, and the Rev. Samuel Lyle, Minister of the Presbyterian Congregation of Ballycastle, it was declared that the income of a sum of £164 19s. 1d., the money then in the hands of John McGildowney, representing the educational bequest, should be paid by William Britton, the schoolmaster of the school, opened about the year 1838, and whose appointment as schoolmaster was approved by the rector and Presbyterian minister. In consideration of the payment to him of this income the schoolmaster was bound to teach six poor children free, one-half to be nominated by the rector, the other half by the Presbyterian minister. The children of Presbyterian parents were to be taught their own catechism in the school if they should desire it. Certain moneys representing John Sharpe's Charitable Bequests were paid to the Commissioners

of Charitable Donations and Bequests for Ireland by John McGiloway, and now consist of £279 1s. 4d. Government Stock, £179 representing the School Endowment, and £100 representing the amount for the poor housekeepers. The school built in 1839 having ceased to be used in connexion with the Sharp Bequest, the annual income of the moneys representing the educational bequest is now paid to the schoolmaster at Ballycastle. This Draft Scheme proposes that if £20 is paid to the Commissioners by the incumbent or other representative of the members of the Church and the parish of Ramoon, free of all claims, the schoolhouse at Ramoon and the site shall be vested in the Down, Connor, and Dromore Diocesan Board of Education. The Commissioners will then hold and apply the £20 as part of the Educational Endowments. After the date of this Scheme the non-educational Endowments shall be held by the Commissioners, and the income shall be paid to the incumbent and the minister to be applied by them for the benefit of poor housekeepers of the parish. There will be ten recipients of the charity and the right of nominating suitable persons to be recipients will be divided between the incumbent and the minister. From the date of this scheme the educational Endowments shall be held by the Commission on trust for the elementary education of poor children in the parish. The money is to be paid over by the Commission to the incumbent who will apply it in augmentation of the salary of the schoolmaster of the National School as present under his management; provided that so long as the whole of that income shall be thus applied the incumbent and the minister shall each be entitled to nominate not more than six poor children of the parish to receive their education free of charge in the school. But in case there should at any time be established in or near Ballycastle, a National School under the management of the minister, and the minister should signify in writing to the Commission his election to take one-half of the income of the educational Endowments, in satisfaction of all claims in respect of the Sharp Bequest, the Commission shall pay themselves one half of the income to the incumbents who shall apply it as aforesaid, and shall pay the other half of the income to the minister to be applied by him in augmentation of the salary of the master of the school which may be established in or near Ballycastle. As far as I can see the only question that remains is as to the value of the old schoolhouse.

Mr. Martin (solicitor).—I appear for the Rev. John Jackson (Presbyterian), who thinks that the old school should be taken as part of the Endowment. The school to which the Endowment was first paid was built on the very same ground on which the present school stands. In this agreement between John McGiloway, the Rev. Wm. H. Biddermann, and the Rev. Samuel Lyle, respecting the payment of John Sharp's Bequest to the trustees of Ramoon school, it is stated:—

"And whereas the said schoolhouse, which was situated on the ground on which the present schoolhouse is built at Ramoon, was removed in or about the year 1839, and the present school established in a different spot not agreeable to the wishes of the trustees, &c."

That indicates plainly that the site of the present school is the same as the site of No. 1 school.

1871. Dr. TRAILL.—It was not a schoolhouse at first where the old schoolmaster lived; it was a wretched tumble-down place.

Mr. Martin.—If they found the first school dilapidated and had to keep it in repair, that may have led to the building of No. 2, and we might ask your Lordship to believe that the Commissioners built No. 2 as the best mode of keeping No. 1 in repair.

1872. Dr. TRAILL.—The money was left for building four schools.

Mr. Martin.—According to the instructions I have received it went with No. 2 school.

1873. Dr. TRAILL.—We were under the impression that this school was built by John Sharp's money, but after inquiries we found that his money was not in it.

1874. Professor DOUGHERTY.—We have had no evidence that the four schools which have been referred to were ever built.

Mr. Martin.—Those four schools were not built; at least they cannot be found.

1875. Lord Justice FRYGROVE.—£450 was given by the will, but it is quite clear that up to 1827 none of that money had been spent. It transpired afterwards that the money was lost, and the Commissioners for Charitable Donations and Bequests took proceedings to recover it and got only £279 1s. 4d., of which £179 1s. 4d. was applicable to the educational purposes, and £100 to the benefit of poor housekeepers of Ramoon. I have a document from the Commissioners headed—"Memorandum of late Mr. John Sharp's Bequest for charitable purposes in the parish of Ramoon, under will, dated the 19th day of September, 1798," and it states that the capital in the hands of John McGiloway was £147 13s. 10d., which pays interest at the rate of 3½ per cent per annum, £51 18s. 4d.; capital also in Mr. McGiloway's hands, £84 3s. 5d., which pays interest at the rate of five per cent per annum, £21 1s.; total capital, £208 17s., with amount of interest annually £7 19s. 4d. It is stated that of the above interest £4s are payable to poor housekeepers, £3 10s. 10d.; and £1s to the teacher of Ramoon School, £4 8s. 6d. The last payment of the teacher's part of the interest was made to Campbell Parker, schoolmaster at Ramoon, ending 1st May, 1839; amount of fourteen years of said interest payable to teacher from 1st May, 1839, to 1st May, 1853, £61 13s.; deduct amount paid to Rev. J. S. R. Menall, £18—balance which is to be added to the principal sum, £45 18s., and the interest of it at 3½ per cent per annum paid to the schoolmaster of Ramoon in addition to the sum of £4 8s. 6d., viz., the original amount of interest payable to schoolmaster annually £4 8s. 6d., interest of £48 18s. at 3½ per cent per annum, £14 11s. 5d.=£63 2s. 5d.

1876. Professor DOUGHERTY (to Mr. Martin).—Your claim is that the old schoolhouse was public property?

Mr. Martin.—Certainly, and we want you to include it in the scheme as part of the Endowment.

1877. What do you propose should be paid for it?

Mr. Martin.—£50. We can get £50 for it in a *tenes sine purchase*.

1878. Monsignor MOLLOY.—What could be made out of it?

Mr. Martin.—A cottier's house.

Rev. John Jackson.—You state in your own scheme that the plot of ground that the schoolhouse is on contains about a rood of ground.

1879. Lord Justice FRYGROVE.—There is nothing where the building is but a little place behind.

Mr. Martin.—However, we can get £50 for it. It is a substantial building at the church gate, with no land.

1880. Mr. Justice O'BRIEN.—What would you suggest it could be turned into?

Mr. Martin.—According to the evidence given before, it has been turned to various purposes, amongst them the building of social and political meetings.

1881. Monsignor MOLLOY.—There is only one room in it.

Mr. Martin.—But we can easily make two rooms out of one.

1882. Lord Justice FRYGROVE.—I certainly should not like to throw it into the market as a place for a cottier to live, seeing that it is so near to the church. If the person living there want in for keeping fowl or a pig, it would become a nuisance. But it comes altogether to a matter of money.

Mr. Martin.—Yes, and we say how much it is worth.

Oct. 22, 1895.

1583. Lord Justice Fitzgerald.—If we turn ourselves into auctioneers, how much will you give?

Mr. Leach, solicitor (who appeared for the Rev. Mr. Cox).—The Presbyterian minister was associated with the rector in the management of the school down to recent times.

Mr. Martin.—Mr. McAllister, the old teacher, gave evidence previously as to the money given by Presbyterians to put the school in repair.

Rev. Mr. Cox.—There last seven or eight years I have laid out £13 10s. on repairs of the school.

Mr. Leach.—Mr. Cox proposes still to use it as a Sunday school or parochial school.

1584. Mr. Justice O'Brien.—It was mentioned that it had been lent for social and political meetings?

Rev. Mr. Cox.—The North Austin Constitutional Association got the permission of the Vestry to hold meetings, but only at the time already referred to.

Mr. Leach.—They will not get it again.

Dr. Traill.—You promise to do that no more if you get possession of the school now.

1585. Lord Justice Fitzgerald.—I do not think we should throw the school-house into the market to become a cottier house. Whatever money is given for it will not be lost to education. It will go into this fund, and half of it will go to yourselves. The building is wanted for a Sunday school, and it is really now a question of money.

Rev. Mr. Cox.—I started it about the year 1881, and expended then £5 10s. 1d. I have spent £12 11s. in repairs during the last few years, the Rev. Mr. Messell really built the school.

1586. Dr. Traill.—And it was used as a Sunday school at that time.

Mr. Martin.—There is ample evidence that we have spent large sums on it too.

Lord Justice Fitzgerald.—But that is a good while ago.

Rev. John Jackson, examined.

Rev. John Jackson.

1587. Dr. Traill.—Are you willing to give £50 for this school?—Yes.

1588. Lord Justice Fitzgerald.—We find there has been a considerable amount of expenditure on it by the Rev. Mr. Cox, and £50 would be a smart price to pay for it. But for the money which Mr. Cox has spent in repairs it would not have been worth much now.

Mr. Leach.—The school was rebuilt immediately after the rebuilding of the church.

Witness.—It was proved at the last inquiry, which was held here on November 1st, 1893, that a considerable amount of money was spent on the school by Presbyterians.

1589. Lord Justice Fitzgerald.—The site of this school seems to be on glebe land?

Rev. Mr. Cox.—It is.

1590. Dr. Traill (to witness).—You have a Sunday school of your own?

Witness.—I have.

1591. Do you want to use this building for a Sunday school?—I do not.

Alexander McLean sworn, examined by Mr. Leach.

Alexander McLean sworn.

1594. Do you recollect the old school, in Mr. Philipps's time?—Yes.

1595. Do you remember it in 1839?—Yes, I do.

1596. Had he control of that school?—Yes.

1597. Do you recollect Mr. Minnell, rector of the parish?—Yes.

1598. Do you remember him building the school?—I remember him pulling the school down and building this one—out of his own pocket, I believe.

1599. Do you recollect the new church being built?—Yes, and before it many a day.

1600. Do you remember a collection being got up for the rebuilding of that church?—Yes, but my recollection I have was that was for building the church. The school would have cost £190.

1601. Dr. Traill.—From the time the school was rebuilt it was used as a Sunday-school?—Yes.

Mr. Martin.—We have agreed to come down to £50 for the schoolhouse.

1602. Lord Justice Fitzgerald.—The evidence we have got now is that but for the exertions of a former curate of the parish, wherever he got the money in rebuilding it, there might possibly be now no school there at all. Then the present clergyman refers to the amount as expended in repairs on the building. My impression is that the work done in recent times was paid for by the clergyman out of his own pocket. I

think we cannot put this building into the market, and that the parishes concerned should come to some agreement as to the value of this place.

Mr. Martin.—The last witness named £100.

Dr. Traill.—It is built on the glebe lands.

Lord Justice Fitzgerald.—We must do the best we can, but it is perfectly plain that it would not be fair to make the church people pay the full value or to make it a cottier house in the position which it occupies; it would be most unsuitable.

After some conversation, it was agreed that on the payment of £25 by the united vestry, it should be handed over to them.

Mr. Martin.—Now as to the life interest enjoyed by the present holders of the annuities—I mean, by the present housekeepers of the parish. I believe the present occupants are all Episcopalians; I do not think there is a Dissenter among them.

1603. Lord Justice Fitzgerald.—The testator directed that the money for that purpose was to be invested in good security, and that the interest thereon was to be paid "at the Easter vestry in each year to such poor housekeepers of the said parish (who should not be common beggars) as should be nominated by the parishioners of Ballymore parish met at the said vestry."

Mr. Martin.—That does not now represent us at all.

1604. Mr. Justice O'Brian.—How can you go back twenty years to take money from those poor old women?

Lord Justice FERGUSON.—We recognise no appointment made after last Easter.

Mr. Martin.—Well, I would also beg to refer you to paragraph 5:—

"From and after the date of this scheme, and subject to the provisions herein contained, the Commissioners shall pay the income of the Educational Endowments to the incumbents who shall apply the same in augmentation of the salary of the schoolmaster of the above mentioned National school, at present under the management of the incumbent; provided always that so long as the whole of the said income shall be applied in manner aforesaid, the incumbent and minister shall each from time to time be entitled to appoint not more than six poor children of the parish of Ramoon to receive their education in the said school free of charge, and that religious instruction shall be given therein, in accordance with the provisions of the Commissioners of National Education relating to the vested schools."

Mr. Jackson objects to the incumbent having sole control of the salary.

1605. Lord Justice FERGUSON.—We cannot do impossibilities; this is a vested school under the National Board. The Presbyterian minister or his successor will get his right.

Mr. Martin.—Mr. Jackson does not want to be joint manager; he only wants to be a joint recipient of the money and have a joint voice in the affairs of the school.

1606. No vested school can be managed in that way. We must go in accordance with the rules relating to vested schools.

Mr. Martin.—There is another point in the scheme to which Mr. Jackson wishes to direct your attention; that is that this Endowment can be only given to a male teacher, whereas he thinks it should be made payable to a female teacher as well. The words in clause 5 are:—

"And shall apply the same in augmentation of the salary of the master of the school which may be established in or near the town of Ballycastle in manner aforesaid."

The principal teacher will get the money and we will have no the words "principal teacher." That will cover that.

RAMOAN (MOYARGET) NATIONAL SCHOOL.

1607. Lord Justice FERGUSON.—In this Ramoon scheme we have got another case—that of the Moyarget school—to inquire into. It was sworn at the sitting of the Commissioners in Ballycastle on November 1st, 1890, that John Stewart Moore built one school and that the other was built by public subscription.

Mr. Cook.—The Rev. Mr. Cox knows the details of this case.

Rev. Thomas Cox.—I believe the present manager is the Rev. Mr. Johnston. Mr. Moore was manager of the school till he died. We contend that the committee of the school should not be entirely Presbyterian.

1608. Dr. TRAILL.—We had the evidence of William Hayes when we were here last year. He said he was a member of the Committee of Moyarget National School, and had been so for close upon 30 years—that after Moyarget meeting-house was built, the schoolhouses were in a very dilapidated state; he could not tell when they were built. The meeting-house was built about 30 years ago. The committee had dwindled away. He believed Mr. Moore was patron of the school when it was founded. Mr. Moore had an interest in the Moyarget children, and thought it a pity to see them going to wreck. He spoke to two or three prominent farmers in the neighbourhood to become members of a committee, and William Hayes was appointed a member of that committee. Mr. Moore said if they would rebuild the male portion he would rebuild the female school. They collected the money, and the next year took the roof off the girls' school. They got Mr. Moore to act as manager of the school, and to appoint a teacher. The question was then put, was he elected a manager under the National Board, and the reply given by William Hayes was that Mr. Moore was so elected. He afterwards stated that the committee were all Presbyterians.

1609. Lord Justice FERGUSON.—In his letter to us, of October 13th, 1890, Rev. Thomas Cox, rector of Ramoon, says:—

"In case the Moyarget School is to be included in the Scheme of the Ramoon Presbyterian Scheme, I beg, on behalf of the members of the Church of Ireland in Ramoon parish, to object to this being done until their rights and claims in connection with it are considered. I have, therefore, to request that when the full Commission sits at Ballycastle, they will investigate the title to Moyarget School, and

decide what public money or subscriptions belonging to the members of the Church of Ireland were involved in it, and that they will either give us a proportionate interest in the School, or full compensation. It was sworn at the sitting of the Commission in Ballycastle, by Mr. Hayes, a witness for the Presbyterians, that the late Mr. John Stewart Moore, of Moyarget, a leading member of the Church of Ireland in this parish, built one school (now used as a teacher's residence) at his own sole expense, and that the other school was built by public subscription. It seems to me, therefore, that the members of the Church of Ireland have a decided interest in the school. I am informed that Mr. Moore was patron or manager until his death, when on the recommendation of Mrs. Moore, or her agent, Mr. John Moore Sharp, a local gentleman, was appointed. I am further informed that Mr. Sharp resigned because some members of the Committee objected to him giving leave to the Rev. John Clarke, the rector of the neighbouring parish of Drumallick, to hold occasional prayer meetings in the school, when the late Rev. W. G. Boyd was appointed. The management of the school has, therefore, been in the hands of Presbyterians only for the 14 or 15 years, which clearly cannot constitute a claim to full ownership."

Rev. Mr. Cox.—I have received this letter from the National Education Office on the subject:—

"MOYARGET SCHOOL.

"National Education Office, Dublin,

"21st October, 1891.

"REVEREND SIR,—In reply to your letter of the 18th inst., I am directed to inform you that the above-named school was under a committee up to 1879, when, on the nomination of that body the Reverend W. G. Boyd was recognised as Patron and local manager. The committee then cancelled their existence as such. In June, 1890, the Rev. Silas Johnston was recognised as Patron and manager, he being clerical successor to the Rev. W. G. Boyd, deceased.

"I am, reverend sir,

"Your obedient servant,

"J. E. SEXTON,

"Secretary.

"The Reverend Thomas Cox,

"Ramoon Rectory, Ballycastle, Co. Antrim."

Lord Justice FERGUSON.—This showed the disadvantage of such committees, when they fail to discharge their duties, and drop off. The clergyman then takes charge of the whole thing.

Oct. 24, 1891.

DEFFRICK NATIONAL SCHOOL.

Rev.
Alexander
Field, D.D.

The Rev. Alexander Field, D.D., Presbyterian Minister, Deffrick, sworn, examined by Mr. Martin.

1610. Are you manager of this school?—No, my daughter is.

1611. But you were manager until recently?—No, her predecessor was the late Rev. Robert McConachie, of Moss-side.

1612. Is the school vested in the National Commissioners?—All I know is obtained from local parties. They inform me that the school was built a very considerable time ago, long before the establishment of the National Board, and that it was in connection with the Kildare-place Society; that at the time they put it under the National Board, they applied to have a grant, and I think the amount they received was £41. That was not for the erection of the schoolhouse, which was built long before; it was given for internal improvements, probably for desks and presses, or things of that kind.

1613. Dr. TRAILL.—Did they vest the schoolhouse in the National Board in order to get that grant?—Pre-

vise to that the lease was for 99 years, and the National Board would not have given a grant on that lease.

1614. Dr. TRAILL.—They will make a grant under a 61 years lease?

Witness.—The school is vested in the National Board, and there are three local trustees, namely, Alexander Montgomery, Robert McKinney, and James Ewing.

1615. From whom was the lease obtained?—The landlord was a Mr. Given. That £41 was all that the National Board ever gave. The school is kept in repair by the school committee, and very considerable alterations and improvements have been made recently.

Lord Justice FRIZZGON.—We will have the matter looked up, and see the terms on which the school is vested. Of "vested schools" there are two classes—schools vested in the Commissioners, and schools vested in local trustees.

BALLINTOY SCHOOL.

1616. Lord Justice FRIZZGON.—In a letter to me, dated July 20, 1891, the Rev. Wm. Matchette, rector of Ballintoy, makes the following statement regarding the endowment of this school:—

"More than a hundred years ago, Miss Jane Stewart, owner of the Ballintoy estate, left a bequest for the 'erection and endowment of £15 annually of a charity school at Ballintoy,' and the schoolmaster was to be appointed by the rector and his vestry hold in the church during Easter week. This right of control and management, vested in the clergyman and vestry, was enjoyed and exercised all along up to a few years ago, when it appears the present agent of the property took the management into his own hands, and placed the school under the National Board—appointing his own local manager and schoolmaster without reference to the wishes of the clergyman or people. He asserts now that the schoolhouse belongs to the landlord, though he does not make a similar claim to the annuity of £15 annually, which by the testatrix was attached to the schoolhouse. This part of this Endowment being alienated, there is no reason why the other part should not also at any moment be taken away. Moreover, the school is not satisfactorily managed and the locality is thus deprived of the full benefit of the Endowment. Therefore, an immediate inquiry would be desirable, but if it cannot be conveniently and effectively held before October next I am willing to wait till then. Many of my witnesses are passing away by death or otherwise; the last schoolmaster who was appointed by my predecessor under the original bequest, is about soon to leave this part of the country. A local inquiry, or one as near Ballintoy as possible would be the most desirable. But at any rate I am anxious that our case be put down for investigation."

His Lordship here read the report of the previous Commission, and of the Inspector, regarding the condition of school in 1859.

Mr. Greer.—I appear for the Rev. Mr. Matchette, Rector of Ballintoy, and can produce evidence as to the will that founds the Endowment.

Mr. Edmund McNeill, J.P.—I have received the rent of the school for the last forty-five years. The Rev. Dr. Currier was rector of the parish, and was succeeded by the Rev. Francis Debbie. I re-erected the school, and enlarged the schoolmaster's house, and charged a higher rent for it. I can prove that the school was built and paid for by the landlord, who kept it in repair.

1617. Lord Justice FRIZZGON.—I understood you to say that you received the rent of it?—Yes.

1618. Lord Justice FRIZZGON.—What is the rent?—It is £1 13s. a year now; before that it was a penny a week.

1619. Mr. Justice O'BRIEN.—Why was there a difference made in the charge?—In consequence of the change in the master's house.

1620. Mairnister MOLLOY.—It was to represent the interest on your outlay?

Mr. McNeill.—Yes.

1621. On whose estate is it?—On Mr. Fellsion's.

Mr. Martin.—I appear for the present manager of the school, Mr. Dickson, and some of the parishioners.

Rev. William Matchette, sworn and examined.

Rev. William
Matchette

1622. Mr. Greer.—You are rector of Ballintoy?—

1623. Do you produce the vestry book?—Yes (produced).

1624. Does it contain an extract of the will of Miss Jane Stewart?—Yes.

1625. Lord Justice FRIZZGON read the following extract:—

"I do order and direct my said trustees to grant a rent-charge out of the quarter land of Claghagh, in the parish

of Ballintoy, part of my real estate, of the yearly sum of annuity of £15 yearly for ever, with power of distraining for the same, which annuity of £15 yearly is to be applied towards the erection and endowing a Charity school at Ballintoy aforesaid, for teaching of the children of the poor inhabitants of the said parish of Ballintoy of all religious denominations whatsoever, to read and write. And it is my meaning and intent that the schoolmaster of said school shall, from time to time, be elected by the parishioners of said parish of Ballintoy at a vestry meeting held in the parish in Easter week."

There is then a note after the above extract in the old minute-book kept by the Rev. Robert Trill. It says:—

"Mrs. Jane Stewart died in November, 1766. On this Endowment no schoolmaster was appointed until Easter, May 8, 1776, when James McIlwain was elected. The number of children fixed on at that time to be educated in this school was twenty-five. The state of the arrears due on the above charity is as follows:—The first appointment after Mrs. J. Stewart's death should have been at Easter, 1767; one year was therefore due at Easter, 1768; date, 1769; date, 1770; date, 1771; date, 1772; date, 1773; date, 1774; date, 1775; date, 1776; at £15 yearly, £135."

Mr. Greer.—That is in the handwriting of the Rev. Robert Trill in the old minute-book, and Mr. Trill was for sixty-six years rector of the parish.

The will which is dated August 1, 1760, states at the beginning:—

"Whereas my dear sister Rose Stewart, lately deceased, by her last will and testament bequeathed unto me, the said Jane Stewart, after payment of her just debts and funeral expenses, all the rent, residue, and remainder of her goods, chattels, estate, and substance whatsoever, upon the especial trust and confidence that in case I, the said Jane Stewart, should happen to die before I married, that then, and in that case, my heirs, executors, or administrators should and would immediately on my decease as aforesaid pay the sum of £500 towards the erection and endowing of a Charity school at Ballinrye aforesaid. And whereas I am not yet married, and in order to fulfil the will and intent of my said sister Rose Stewart, and in full discharge of the trust reposed by her said will in me, I do order and direct," &c.

And then she goes on to deal with the annuity as already read.

Mr. Greer.—It is generally supposed that the school was built with that £135—that money which had been allowed to accumulate.

Mr. Edmund McNeill.—The schoolhouse was under building, I think, from 1831 to 1832. Mr. Fullerton purchased the property in 1792.

Edmund McNeill, J.P., sworn and examined.

1630. Lord Justice FERGUSON.—How long have you been agent of the Fullerton estate?—Since 1848, and I have had control of the property and the books.

You have paid £15 Irish to the schoolmaster of Ballinrye?—Yes, every year.

1631. Besides the school what are the premises?—About half an acre of land, with the building which contains the schoolhouse and the master's dwelling. They are entered with one door—one to the right, and the other to the left.

1632. How are the premises held?—From year to year from Mr. Fullerton.

1633. What is your evidence of ownership?—By receiving the rent.

1634. How much?—I received a penny a week up to 1854, and then the repairs were done. In 1854 I had re-roofed the school.

1635. What happened in 1854?—I improved and altered the schoolmaster's house which is under the same roof with the school, and the rent then charged was £1 8s. 6d.

1636. What was the amount expended?—£46. We did not intend charging anything additional on the school; it was only charged on the repairs to the schoolmaster's dwelling in 1854.

1637. Does the schoolmaster pay two rents or one?—Two rents; the one is a penny a week on the school, and the other is charged as interest with it.

1638. Lord Justice FERGUSON.—Then the schoolmaster was there and receiving this £15 a year before the present schoolhouse was erected?

Mr. Greer.—At any rate that school was given to the clergyman of the parish and the vestry as the school that was to be endowed under this will of Mrs. Jane Stewart. I can show that the clergyman and the vestry in Easter week appointed a teacher, and continued to do so annually, and we do not wish to lose the right which we have under the will of Mrs. Jane Stewart, that the schoolmaster should be selected by the clergyman and vestry in Easter week.

Mr. McNeill.—I can show that before 1831 the school was held in cottages—from place to place.

1637. Lord Justice FERGUSON.—The mode of electing a schoolmaster by the clergyman and vestry in Easter week was, no doubt, continued under the will of Mrs. Jane Stewart. That was repeated several times. In 1803, Henry Stewart was again elected schoolmaster. (To Mr. McNeill.) You have no evidence of title to the schoolhouse?

Mr. McNeill.—No.

1638. It appears that the schoolmaster has been paying you rent?—Yes.

Rev. Mr. MATCHETT.—It seems to be contrary to the rules of the National Board that he should pay rent.

1639. Professor DOUGHERTY.—Who is Mr. Dickson, the present manager of the school?

Mr. McNeill.—He is a tenant of Mr. Fullerton's.

Mr. MATCHETT.—And he is an Episcopalian.

Rev. Mr. MATCHETT.—I reported to the National Board that the schoolmaster was paying rent. They sent their Inspector to him and also to Mr. Dickson, and he wrote to me that the schoolmaster filed in annual returns signed by the manager in which he stated that he paid no rent, and now he swears that he did pay for the schoolhouse.

Lord Justice FERGUSON.—A school would be struck off the roll of the National Board if it were known that the schoolmaster was paying the rent of the schoolhouse.

The penny a week is still paid in the rental. That comes from the schoolhouse and the half-acre of land.

1638. And the rent is for the residence?—For the residence, and the residence only. I never charged anything on the money laid out on the school.

1639. Who pays the interest?—The schoolmaster pays for it in money.

1640. What entries of expenditure in this matter have you got in your books?—The first I have was the new roof in 1844; that was £32. Then I gave Mr. Dobbs 25 for building w.c. at the back of the school; that was in 1873. In 1882 I sent Mr. Dickson, the manager, 45 for some repairs to the schoolhouse, and in 1886 I sent £4 4s. 7d., which was for repairs that he had done by my orders. There were other repairs. There was a sum of £134 5s. 9d. the cost of building the schoolhouse, and that was paid in 1821. The engagement then was that the work was to be done in a substantial manner. That was dated February 25, 1830; then there was an entry in the book on April 30, 1831, that £154 5s. 9d. was paid for building the school. The only control I have is that I would not allow the school to be used for every purpose without consulting Mr. Fullerton. When Mr. Dobbs, the rector, left the parish, Mr. J. Dickson was appointed by me as manager. It was then the school was put under the National Board.

Oct 25, 1892.
Rev. William
Matchett.

Edmund
McNeill, J.P.

Oct. 12, 1891.
Edward
McNeill, &c.

1641. Who put it under the National Board?—I do not know.

1642. *Monsieur Moulou*.—You became patron as the agent of the estate?—Yes.

1643. *Lord Justice Fitzgerald*.—Mr. Taylor (Secretary), writing from the National Education Office, Dublin, on the 10th inst., says:—

(1.) "The Ballinty (No. 1) National School was taken into connection with this Board from the 1st of June, 1879, on the application of *Edward McNeill, Esq., &c.*, of Craig-drum, Craig, Belfast, who was recognised as the patron."
(2.) The teacher, Mr. William Irwin, stated in his annual return for 1890, that he received for that year, the sum of £12 3s. 11d. from the Endowment."

Mr. McNeill.—That application must have been sent in, not by me, but by the clergyman of the parish.

1644. *Dr. Traill*.—Was the parish vacant on the 1st of January, 1879?—Yes, it was vacant for some time. I have been informed that upon one occasion the late Dr. Traill and my grandfather had disputed. They held the Vestry on the road in front of the church, and my grandfather about the school. Mr. Dickson was present when that occurred.

1645. *Rev. Dr. Moulou*.—Is this a large estate?—Yes, considerable, it contains six or eight townlands.

1646. *Mr. Green*.—Has that penny a week been paid regularly?—Yes, every year, and I have deducted it out of the salary as I paid it.

1647. Have you the rent books from 1831?—Yes.

1648. Do you see any note of the penny a week having been paid then?—Yes.

1649. *Lord Justice Fitzgerald*.—How many windows are in this schoolhouse?

Mr. Martin.—There are eight windows altogether, including the residence.

John Dickson, senr., Manager of the School, sworn and examined.

1650. *Mr. Martin*.—You have lived for a lengthened period in Ballinty?—Yes, and I was appointed as syndicator.

1651. How did you come to be nominated as manager of the school?—After the Rev. Mr. Dobbs' death, another clergyman came to the parish, and during his time it was put under the National Board. He said if it were not, the school would become inefficient by and by. I said I would attend to the matter and see Mr. McNeill, as I thought it was attached to the Church Education Society. The new rector said, however that might be I would have to take steps with regard to this. I then wrote to the National Board and they sent an Inspector down, and I went up to Craig-drum and told Mr. McNeill and he consented.

1652. Did the vestry consent?—I never asked the vestry; the Inspector was sent down and it was put under the National Board.

1653. *Dr. Traill*.—Was it put under the National Board that you and Mr. McNeill might get a hold of the whole thing?—No.

1654. *Lord Justice Fitzgerald*.—You are manager of the school now?—Yes.

1655. How many children are on the roll?—Forty down to twenty-eight and thirty, and so on. The master can tell you.

1656. You say you never asked the vestry as to repairs?—Sometimes I asked the rector, and he would bring it before the vestry.

1657. Did they consent to it?—I cannot tell you.

1658. By whom were the repairs done in the Rev. Mr. Dobbs' time?—By Mr. Dobbs, and, of course, by money sent by Mr. McNeill.

1659. Do you know, as a matter of fact, that

1660. (To witness).—I suppose we may take it that Mr. Dickson has been manager of the school since 1879, with the full approval of yourself and Mr. Fullerton?—Yes.

1661. Are you well acquainted with the district?—Yes.

1662. Have you visited the school?—Often.

1663. Do you think that since Mr. Dickson was appointed manager it has been maintained in an efficient state?—I do.

1664. You never received any complaint from him?—Never.

1665. *Professor DOUGHERTY*.—Was Mr. Dickson appointed manager when there was a vacancy in the parish?

Rev. Mr. Malcolme.—The Rev. Mr. McNiece was inducted into the parish in February, 1879, and the school was put under the National Board in April, 1879.

Witness.—I think that must have been done by Mr. McNiece, and that he wrote to me for my consent.

Rev. Mr. Malcolme, &c. (Ballinty).—I am manager of another school on another property in Ballinty, and I think I am entitled to a share of this Endowment.

1666. *Lord Justice Fitzgerald*.—The salary was given as an endowment to only one schoolmaster. If you can get a share of the schoolmaster, you might get share of the endowment.

Rev. Mr. Malcolme, &c.—I think I am entitled to a share.

1667. *Lord Justice Fitzgerald*.—That would be difficult to give. I think we should have to make a judgment of Solomon in the case. You cannot divide the Endowment.

Mr. Justice O'HANNA.—And I am afraid you cannot divide the schoolmaster.

John Dickson, senr.

Mr. Dobbs paid none out of his own pocket?—I could not say.

Mr. Edward McNeill, &c.—I would not be surprised that he did so himself, for he was a very generous man.

1668. *Mr. Martin* (to witness).—Before you became manager did you not hold meetings there?—Yes.

Rev. Mr. Malcolme.—There is an entry in the book here:—"A meeting of the School Vestry was held in the parish schoolhouse; present, John Dickson, &c."

Witness.—That is quite right.

1669. *Mr. Malcolme*.—Have you not refused to allow any vestry meeting to be held there?—No, never.

1670. Will you object to meetings being held there as heretofore?—No.

1671. *Professor DOUGHERTY*.—You are still connected with the church?—Yes; I had left the church.

1672. Was that on the ground of any disagreement with the former incumbent?—It was mere with the vestry.

1673. If the office fell vacant should you appoint a schoolmaster?—I would, with the consent of the patron. I would be very sorry to see any change made in the payment of this money. I think the landlord of the estate is the person to dispose of it.

1674. *Mr. Justice O'HANNA*.—You are a tenant as this estate yourself?—Yes.

1675. You were manager, and the repairs could not be made without your authority?—The schoolmaster came to me and said that if I would ask the agent to spend more money on his house he would be glad to pay for the money expended. I wrote to Mr. McNeill on the matter, and this money was spent on

the improvement of the residence: it was made a very comfortable house.

1676. *Monsieur Mouton*.—At the request of the master, who undertook to pay the interest?—Yes.

1677. *Lord Justice Fitzgerald*.—When was the new schoolmaster appointed?—In 1886.

1678. *Mr. Martin*.—Are the vestry satisfied with the management at present?—Yes, every one of them.

Mr. Greer.—I object to that question.

Rev. Mr. Macfettle.—When I came to Ballinacry, I went to Mr. Dickson and asked him would he have any objection to lend me the schoolhouse for temperance meetings. He said he had not, but that he would have to ask the patron first, before he could lend the schoolhouse. When I saw him again, he said that Mr. McNeill would not, by the landlord's orders, allow it for any meetings, except meetings for school purposes, so that I was then refused the use of the school.

Oct 22, 1891,
John Dickson,
senior.

John Dickson, junior, sworn and examined by Mr. Martin.

1679. You are one of the churchwardens?—Yes.
1680. You have the parish minute book (produced)?—Yes.

1681. Please read the minutes of the meetings you wish to refer to.

Witness read the minutes of a meeting of the Select Vestry, held at the rectory, on November 26, 1890. After a speech from the rector and some discussion, a resolution was passed (the rector alone dissenting) that the Commissioners be not asked to visit Ballinacry, as the vestry were satisfied with the present administration of the Endowment. The rector had proposed an amendment to the effect that the vestry recommend the Commissioners to

come and investigate as to the Endowment when convenient. As there was no one to second the motion, it fell through. At the second meeting on December 5, 1890, he (the witness) proposed a resolution similar to the former one, when the rector, who again presided, refused to put it to the meeting. An amendment similar to the former was proposed, when three, including the rector, voted for it, and five against, the rest not voting.

Professor Deaneberry.—The rector does not appear to have mentioned all his own way.

Witness.—I think, with the exception of the head of one family, all are satisfied.

John Dickson,
junior.

Henry McCaughey, sworn and examined.

1682. *Mr. Martin*.—Were you on the Select Vestry?—Yes.

1683. Do you remember the time the school was put under the National Board?—I remember the circumstances, but not the date.

1684. Was the question brought before the vestry?—It was brought before the vestry by the Rev. John McNiece.

1685. Was it put on with the consent of the vestry?—I believe so.

(Letter from the Rev. Mr. McNiece was here handed in.)

1686. *Professor Deaneberry* (to Rev. Mr. McNiece, &c.)—Is this school mainly used by pupils of your own persuasion?—No.

1687. You would not allow your children to attend that school?

Rev. Mr. McNiece, &c.—We have school of our own.

1688. *Mr. Greer*.—Was there ever any vestry meeting held about putting this school under the National Board?

Witness.—There was a vestry meeting, and at it this was discussed.

Lord Justice Fitzgerald.—There was evidently a desire to have the school made a National school as soon as the Rev. Mr. Dabbs left the parish. The Rev. Mr. McNiece appears to have thought that necessary, but when it was put under the National Board, the Select Vestry had no voice in the matter at all.

1689. *Professor Deaneberry* (to Mr. McNiece).—Has Mr. Fullerton any objection to the school being used for proper meetings if application be made to him?

Mr. Edmund McNeill.—A note to me at any time will always get the schoolhouse for any parochial meeting that can be fairly approved of. I am allowed to give it for the holding of any legitimate meeting.

Lord Justice Fitzgerald.—It is quite plain that things are not working smoothly. The manager of the school left the Church.

Dr. Traill.—He did not leave the denomination, but attended service elsewhere.

Lord Justice Fitzgerald.—Up to the present I can see no property in this schoolhouse that can be dealt with as an Endowment.

Henry
McCaughey.

Mr. Irvine, teacher, examined.

1690. I have been teacher in the school for almost six years. There are the school and the apartments for the teacher's residence. I was to give 4s. 6d. as tenant, and also to give £1 8s. 6d. as interest on the money expended, making £1 13s. in all. That was soon after I came here as far as I can remember.

1691. *Mr. Martin*.—How much were you paid in salary the last time?—£12 3s. 11d. I get in cash every time my salary is due.

1692. How many children have you at present on the roll?—Fifty-seven.

1693. As to religious denominations how are they divided?—They are all Church children. There are about three or four Presbyterian families.

1694. Are there Roman Catholic children?—Yes, in the village of Ballinacry, but none in the school.

1695. Did you ever hear anything of the parishioners electing you?—I don't think they went through a formal election. I did not hear of it.

1696. Did they re-elect you every year?—No, not for some years.

Mr. Greer.—What do you enter in your returns?—In my return to the National Board I enter £12 3s. 11d. as the cash I receive; I pay 1d. a week for rent; and £1 8s. 6d. on money expended—making £1 13s. in all.

1697. *Lord Justice Fitzgerald*.—You do not enter in your returns that you are entitled to £1 14s. 4d. more?—No; the £1 8s. 6d. is paid as interest.

1698. We shall have to inquire into this return. I may tell Mr. Dickson that in more cases than one it has been our duty to strike off National

Mr. Irvine.

Oct. 11, 1902.
Mr. Green.

Schools on the grounds that payments by way of rent were taken from the teachers and conceded by the managers. In Belfast there were some painful investigations resulting in striking off schools. The manager here has signed returns in which the amount which he was bound to pay the master out of the Endowment was shown as £1 14s. 4d. less than it really was, and 4s. 4d. was deducted for rent and £1 10s. for interest on money expended upon the residence, which is on the school premises. The manager had not the same palliation for taking that course which the master had. There is nothing that the National Board of Education has taken more pains about than preventing money from being taken away from teachers in this manner by way of rent or allowances, and there is nothing they are obliged to be more careful about than wrongful deductions from endowments. It was the plain duty of the manager in this case not to have allowed that £1 14s. 4d. to be deducted from the annual endowment which he was bound to pay to the teacher. The premises are not bound by the trust under the will. It is very unfortunate that there is no schoolhouse to which this Endowment is attached, but we cannot create a schoolhouse. I hope Mr. McNeill will communicate with Mr. Fullerton and have the schoolhouse secured for school purposes. Mr. Dickson's

performance about the accounts will have to be inquired into in Marlborough-street. The National Board should be asked to see about these payments that have been stopped. I suppose Mr. McNeill's case is that the premises are only held from year to year, and that there is no title there that we can deal with.

Rev. Mr. Malachuk.—The management of the school is not efficient. I found it in a generally deficient state. We are in a backward place, and I think some means should be taken of making the education more efficient. A master who taught elementary classics would be a good improvement to the place. I would like that in any scheme settled by this Commission, they would connect at least part of the control with the vestry. I do not want to claim the property of another, but I want to be connected with the school as all my predecessors were, until it was taken away at the time you have already heard.

Lord Justice FitzGibbon.—We cannot give you a share in the control of a school to which we can give you no right even of entrance.

Rev. Mr. Malachuk.—I would ask you to settle the matter because I could not ask either manager or patron for any use of the school.

Dr. Traill.—Why can you not write to Mr. McNeill; I think if you wrote to him every time you want the school there never would be any difficulty.

CUSHENDUN SCHOOL.

1699. Lord Justice FitzGibbon.—In this case the parishioners called upon the rector to prevent a school built some fifty years ago being lost for school purposes.

It is situated close to the church and is required not only for school purposes, but also for the holding of parochial meetings.

Rev. S. A. Brown, examined.

Rev. S. A.
Brown.

1700. Lord Justice FitzGibbon.—How long have you been rector of Cushendun?—Ten years this time. I was there in 1867 and left in 1872, but I came back. This is the second time this matter has cropped up. The McNeill family disputed my rights to the school, and the case came before Judge (now Lord) Morris at Belfast on March 7th, 1898. An action was brought against me. His lordship, when it came before him, said he thought it a pity that there should be any clashing between a clergyman and any of his parishioners, and if it could be settled in any way it ought to be done before it came into court. Mr. Edmund McNeill and I talked the matter over. We went into the Grand Jury room, and it was agreed by consent of the parties, to put the schoolhouse and garden attached under trustees, and that the building should be preserved for a schoolhouse and for holding meetings. So much was I interested in it, as a personal matter, that I spent out of my own money £20, part of the costs. Mr. McNeill would not settle it unless he got part of the costs. That £20 was paid to him, and I had to pay my own costs. Mr. McNeill was present and he agreed with me that it should be put under three trustees, of whom a member of the McNeill family was one, another the Incumbent, and the third to be named by both parties.

1701. Dr. Traill.—Was that not made a rule of court?—I do not know as to that; that was the settlement between us. I left the parish afterwards and when I returned so it I found the school had been removed to a store belonging to Captain McNeill in the village of Cushendun, and Mr. McNeill having taken possession of the schoolhouse subsequently let it for a private dwellinghouse, and got rent for it. In consequence of a right of way there was a dispute between Mr. McNeill and a tenant, and the school was put into the village. Mrs. Harrison and other subscribers built the original school.

1702. Lord Justice FitzGibbon.—You want the old school for the holding of vestry meetings?—Yes, and my Sunday school. I have to hold it in church,

and I also want a room for my vestry meetings, but Mr. McNeill holds the right to it.

1703. What was the year, and at what days was the case entered for?—The Spring Assizes in Belfast, March 7th, 1898.

1704. Was it a record for a Superior Court or a Civil Bill?—A record.

1705. You were defendant?—Yes.

1706. Who was the plaintiff?—Mr. McNeill.

Mr. McNeill.—My father.

Witness.—I paid the £20 out of my own pocket.

Mr. Edward McNeill.—The school was built on my father's property, and it was settled on me, so that it could not be alienated. When Mr. Brown came to Cushendun he assumed that the school belonged to the parish, and took possession of it. I put him out, but he took possession of it again, and the result was a dispute took place between Mr. Brown and myself. When the action was called on in Belfast he paid the costs, and it was settled. When Mr. Brown came first to Cushendun he came in and out of my father's house intimately, and I never heard of this alleged grievance.

1707. Lord Justice FitzGibbon.—How has this place been used since?

Mr. McNeill.—We have had it ever since. There has been no school there for several years.

1708. Is the school still carried on in the town?—There is none there at all. There is a very good National school about three quarters of a mile off.

Lord Justice FitzGibbon.—It is quite impossible for us to deal with this case. If there ever was any title, it was lost in 1898.

Rev. Mr. Brown.—All I want is the school for the benefit of the parish. I don't care so that the clergyman of the parish may have the right of holding the Sunday school and his meetings there.

Lord Justice FitzGibbon.—I am afraid there is nothing that we can do.

This concluded the sitting.

PUBLIC SITTING—BELFAST, TUESDAY, OCTOBER 27, 1891.

In the County Antrim Courthouse

Present:—The Right Hon. Lord Justice FittGibbon and the Right Hon. Mr Justice O'Brien, Judicial Commissioners; and the Right Rev. GERALD MOLLOY, D.D., D.B.C., ANTHONY TRAILL, Esq., LL.D., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, M.A., was in attendance.

SCHEME No. 28.—BANGOR ENDOWED SCHOOL AND WARD ENDOWMENT.

(OBJECTIONS AND AMENDMENTS.)

Lord Justice FittGibbon made an introductory statement.

1709. Mr. E. S. Jones (of the firm of Murland and Co., Solicitors, Downpatrick), appeared for Lord Bangor, and stated that both he and Captain Ward had carefully considered the Scheme, and that they approved of them. In consequence of the death of a near relative his lordship was unable to attend. He asked that if any objections were made he and Captain Ward might have an opportunity of considering them.

Rev. Professor Fadd Martin, D. Litt. (Convener of the General Assembly's Intermediate Education Committee).—There has been no communication to me on the subject, but it would be of the greatest importance that there should be full confidence on the part of the Presbyterians, who feel that they should be better represented on the Governing Body. Looking at the large number of Presbyterian residents, and also of Presbyterian pupils, it is an obvious inequality that there will be six members of the Episcopal Church Governors and only two Presbyterians.

1710. Dr. TRAILL.—Do you not think Lord Bangor and Mr. Ward are making a very large concession under this Scheme?—They have spent money on endowments; up to the present they have the right of appointing the Masters and the absolute right of control, but they propose to give all that up in the interests of the school and to allow representatives of the Presbyterian and of other Churches to be brought in.

1711. Mr. Justice O'Brien.—There are the clergy-men of the Episcopal Church and of your Church, Lord Bangor and Mr. Ward, with the Governors they would nominate, are the neutral element. You would not think of excluding Lord Bangor or Mr. Ward, or of putting them in the position of ordinary Governors; do you not think it would be ungracious to do so?

Dr. Martin.—You have attached to these Endowments as Governors, not only the owners, but their business.

1712. Professor DOUGHERTY.—The point of your objection I understand, does not refer to the present Lord Bangor and Mr. Ward?

Dr. Martin.—No, but you make a Scheme for all time to come. The £1,000 originally given was to be expended in building and endowing a schoolhouse. As the Scheme at present stands, the Presbyterians are in a position of inequality. You should remember the large Presbyterian population. The Episcopal Ministers are put on as Governors, and also the landlords and their business.

1713. MESSRS. MOLLOY.—They might become Presbyterians.

Dr. Martin.—That is quite possible.

1714. Lord Justice FittGibbon.—In the Scheme of 1859, the general management of the school, and the appointment and removal of the master, were given to Lord Bangor and Mr. Ward.

Dr. Martin.—That arrangement of 1859 seems to have been not a fair carrying out of the original trust that created this Endowment.

1715. Professor DOUGHERTY.—You object to a school on the territorial principle, with power given to Lord Bangor and Mr. Ward to nominate Governors, and not knowing who the landlords may be in the future?

Dr. Martin.—Yes.

1716. Professor DOUGHERTY.—This original money was to be given to the Corporation of Bangor?

Dr. Martin.—Yes, and they were swept away and never got that money.

1717. Professor DOUGHERTY.—Are there Town Commissioners now?

Dr. Martin.—Yes. We should all along have had a voice in the disposing of that £1,000, and the fact that we are now getting a small amount in the management of the school does not meet the equity of the case.

1718. Dr. TRAILL.—You are getting the same as the ministers of the Church of Ireland.

Dr. Martin.—I am not so sure as to that.

Dr. TRAILL.—Lord Bangor is not put on because he is an Episcopalian.

1719. Professor DOUGHERTY.—You do not know what these gentlemen may be in the future.

Dr. Martin.—No, and you are making a scheme, no doubt, for all time to come.

1720. Dr. TRAILL.—We have not put in the condition that they are to be members of the Church of Ireland.

Dr. Martin.—Clearly not.

1721. Lord Justice FittGibbon.—There is a school at Upper Clifton. At the inquiry held in Bangor, Mr. Hamsey, Manager of this school, said:—

"It is only fair to say that the higher class of Presbyterians have a school provided for their education at Upper Clifton, and it has been in operation for seven or eight years."

He also stated that it was an Intermediate School, and had been successful at the Intermediate Examinations. The Rev. Wm. Clarke (Second Presbyterian Church), Bangor, was examined, and he said:—

"I think a Committee of Management would be preferable to the present state of things, and the sympathies of the neighbourhood would, I believe, lead to an increase in the attendance."

I then asked:—

"What would be the best way in your opinion of securing these sympathies?"

"The school has been largely in the hands of Lord Bangor and Mr. Ward, and their wishes would have to be consulted in the matter, but I think an amicable arrangement could be made that would be satisfactory to all parties."

644. 27, 2861.
Mr. Rainey.

He then pointed out the preponderance of Presbyterians in Bangor and district, saying:—

"This is not only a Presbyterian town, but the immediate neighbourhood is the most Presbyterian part of Ireland."

I subsequently said:—

"At present the patronage is vested in Lord Bangor and Mr. Ward, the founders, and they ought to retain it unless they desire to give it up to the Managing Committee. Speaking for myself I would hardly think it desirable to take it from them. If there was an efficient committee it would possibly be better that the appointment should be made by them, reserving a veto to Lord Bangor and Mr. Ward; but without their consent we ought not to take it from them. That is a delicate subject to be dealt with; it would be better for you to confer amongst yourselves about all these matters."

Lord Bangor and Mr. Ward have accepted the Draft Scheme, and the congregations have not come forward with any objection, nor is there any local objection from the town, it comes from the Presbytery. I would still throw out the suggestion I made on the last occasion, that the Presbytery should communicate their views to Lord Bangor and Mr. Ward, and if they agree upon any change I would be very glad to adopt it.

Dr. Martin.—The names attached to the objection from the Ards Presbytery are the names of the two Presbyterian ministers of Bangor, the Rev. Mr. Patton and the Rev. Mr. Clarke, and they represent the views of other people, no doubt. I think before you finally settle the matter you should have it before you again in Dublin.

Mr. James H. Rainey, Head Master.—We have Town Commissioners, and the chairman of that body is now present.

1722. Mr. Justice O'BRIEN.—Can the nominees of Lord Bangor and Mr. Ward be present along with Lord Bangor and Mr. Ward themselves on the Board?

PROFESSOR DOUGHERTY.—Certainly.

1723. Mr. Justice O'BRIEN.—That is a very different matter. I was under the impression that the Presbyterian representation would balance the representation of the Church of Ireland.

Rev. Dr. Martin.—That is my main objection.

James Sweeney, Chairman of Bangor Town Commissioners.—The Commissioners are under the impression that they have been overlooked altogether in this matter, seeing they succeeded the body to which in the first place this gift was granted.

1724. Mr. Justice O'BRIEN.—"The lands belonging to the Corporation of Bangor were evicted," we are told; the Town Commissioners then succeeded the evicted tenants.

Mr. Sweeney.—They succeeded the Provost and burgesses of the Corporation of Bangor.

1725. Mr. Justice O'BRIEN.—Who were evicted?

Mr. Sweeney.—They succeeded that body and took its responsibilities, and the Town Commissioners should have been in some way recognised, they think, in the framing of this scheme.

Lord Justice FITZGERALD.—We held a public inquiry in Bangor, and we never got any resolution

or anything else from the Town Commissioners until now.

1726. Mr. Justice O'BRIEN.—What would you now suggest?

Mr. Sweeney.—That the Chairman of the Board should be made a Governor.

1727. Dr. TRAILL.—You are Chairman of the Board at present. Did you consult the other members of the Board on this matter?

Mr. Sweeney.—No, I now speak for myself.

1728. Dr. TRAILL.—Then you want yourself put on as a Governor?

1729. Monsignor MOLLAY.—If you were put on the Board, the chairman afterwards would always be a Presbyterian!

Dr. Martin.—There is every likelihood that the chairman of the Board would be a Presbyterian.

Mr. Sweeney.—He is not always a Presbyterian.

1730. Mr. Justice O'BRIEN.—But you would keep him in hand. My experience is that when nominees are appointed by the owners of estates to represent them in official positions the result is anything but beneficial.

Dr. Martin.—What we desire is, that that portion of the population of Bangor, likely to take advantage of the School, should be fairly represented on the Governing Body.

1731. Lord Justice FITZGERALD.—I still think there should be a communication between Lord Bangor and Mr. Ward on the one side, and the inhabitants on the other, and if they agree to any arrangement we shall lay it before the Privy Council.

Mr. Sweeney.—Up to the time the present Master (Mr. Rainey) took charge of the School it was a dead failure, but since he became Head Master the School has progressed, and I would suggest that you should put something on the face of the Scheme to the effect that the present Master should not be discharged.

1732. Mr. Justice O'BRIEN.—His position is preserved.

Dr. TRAILL.—Unless he became inefficient; if he did he would be put out of the position he now holds.

Mr. Sweeney.—I think there should be something in the Scheme to protect Mr. Rainey.

1733. Dr. TRAILL.—Read section 31 of the Scheme, and you will see how the matter is arranged.

Mr. Martin.—It should be remembered that Lord Bangor and Mr. Ward have contributed to the repair of the School up to the present.

Mr. Rainey.—For the last eleven years they have not provided any school requisites and the Endowment of £260 a year was reduced.

1734. Lord Justice FITZGERALD.—That was done by the reduction of the per-centage on the Conale. We leave this case for the present and ask Dr. Martin and Mr. Sweeney to bring their suggestions before Lord Bangor and Mr. Ward, and to communicate the result to us before we come to our final decision.

THE HON. MICHAEL WARD'S ENDOWMENT FOR THE PARISHES OF KILLOUGH AND BALLYCULTER.

1735. Lord Justice FITZGERALD.—The next is the Draft Scheme for the future government and management of the Hon. Michael Ward's Endowment for the parishes of Killoogh and Ballyculter in the County of

Down. No objection has been received regarding this scheme. We are ready to hear any now.

No objection was offered.

THE KILLINCHY SCHOOLS.

1736. Lord Justice FITZGERALD.—The preliminary inquiry in this case was held by Professor Dougherty and Dr. Traill, and the Draft Scheme is their joint work. The Endowment commenced on, and was

founded under an indenture dated, January 18, 1837, between the Hon. and Rev. Henry Ward of the first part, the Right Rev. Richard, Lord Bishop of Down and Connor of the second part, and the Rev. Robert

Alexander, Archdeacon of Down, of the third part. The Hon. and Rev. Henry Ward desired to establish on certain glebe lands of Killinchy, held by him, a school to be built by means of a grant of £284 from the "Lord Lieutenant's Fund"; £116 to be advanced by the Rev. Henry Ward, and money subscribed by other people. The Rev. Henry Ward, with the consent of the Bishop, granted to the use of the Archdeacon and his successors, for ever, at the yearly rent of one penny, if demanded, a piece of glebe land in trust for the use of a resident schoolmaster, to be appointed by the Managing Committee of the school, for the time being, conjointly with that minister and his successors, and the Presbyterian minister of Killinchy and his successors. In case of failure of the aforesaid parties to make such appointment, it was provided that the master should be appointed by the churchwardens of the parish, and their successors, and it was declared that the master should be appointed and removable by the Managing Committee at their pleasure by writing under their hands, and that the master should instruct all children named to him by the Managing Committee, and such others as he should think fit, in the principles of reading and writing the English language, subject to such regulations as the Managing Committee should order, and that this schoolmaster should sign an agreement to give up possession of the schoolhouse and residence to the Committee upon request. A schoolhouse was built, and a Managing Committee was formed, consisting of eight members, of whom this minister of Killinchy, and the Presbyterian minister of Killinchy were members, ex-officio, and schools known as "The Killinchy Schools" were established by resolutions of the Managing Committee, dated May 3, 1826. Regulations for the management of the schools to the following effect were agreed to, viz.:-

"That the schools should be open to all classes of professing Christians within the parish, without interference with the religious opinions of any; that the Scriptures should be read without note or comment, and that all ostensions and books of religious controversy should be excluded; that parents and pastors should be invited to impart religious instruction to the children out of school hours; that the committee should consist of members of the Established Church and members of the Presbyterian Congregation in equal numbers, together with the rector and the Presbyterian minister, and that no rule should be altered, nor should any new rule be enacted except at an annual general meeting, at which two-thirds of the members should form a quorum."

The Archdeaconry of Down being an ecclesiastical corporation within the meaning of the Irish Church Act, became dissolved on January 1, 1871, by that Act, and accordingly the schoolhouse and the site became vested in the Commissioners for carrying out that Act, and subsequently in the Representative Church Body. By his will, dated July 25, 1873, the Hon. and Rev. Henry Ward bequeathed to his executors and trustees certain houses and property at Killinchy, upon trust, to let for a period not exceeding seven years, and to receive and accumulate the rents and profits thereof, and if in the meantime a permanent endowment of £150 per annum should be made from an independent source, for the Incumbent of the Protestant Episcopal Church of Killinchy, to pay the rents and profits to the Representative Church Body for the benefit of the Incumbent for the time being, according to their direction and subject thereto. If the permanent endowment should be made within seven years to hold the houses and premises for a residence for the Incumbent for the time being of the parish of Killinchy; and if the permanent endowment should not be made within that period the testator bequeathed the premises, and the accumulations and investments, to the Incorporated Society in Dublin for Promoting English Protestant Schools in Ireland, in trust for the support and improvement of the schools in the townland of Killinchy, adjoining the Society's estate in the parish of Killinchy. The

testator appointed his son, William Somerset Ward, and his son-in-law, William Robert Ward, executors and trustees of his will. The Hon. and Rev. Henry Ward died on May 31, 1874, and his will was proved on June 15, 1874, by William Robert Ward. The houses referred to were let to tenants, but at the end of the seven years no permanent endowment had been made for the Incumbent, and thereupon the houses and premises became vested in the Incorporated Society, who immediately disclaimed the trusteeship thereof, and the property has since remained in the hands of the executors, but the rents and profits have not been applied to the benefit of the schools. It is proposed now to form a scheme for the future permanent management of the school and its endowments. The proposal of the draft Scheme is to form a Governing Body of two ex-officio Governors, four representative Governors, and Governors representing subscribers, with ex-acted Governors. The two ex-officio Governors shall be the Incumbent of the parish and the senior officiating Presbyterian Minister. Of the representative Governors two shall be selected by the Select Vestry, and two shall be appointed by the Session of the Presbyterian Congregation, and in addition Governors elected by subscribers of £5 in one sum or of £1 a year, the Governors elected by the subscribers not to exceed four. With regard to the appointment of teachers:-

"In case of an equal number of Governors voting for each of two candidates, or of any candidate failing to obtain a majority of the whole number of Governors, the names of the candidates with a statement of their respective qualifications shall be submitted to the Commissioners of National Education, who may intimate to the Governors the name of the candidate whom they consider most eligible, and the Governors shall thereupon appoint such candidate to fill the vacancy."

The Rev. J. G. Burton, Rector of Killinchy, states in his objection:-

"The arrangement puts the Church of Ireland in a worse position than was intended by the founders of these Schools. It takes away a right from the Church of Ireland, viz., that in this case the churchwardens and their successors should appoint the master. Churchwardens are officers of the Church of Ireland, and in justice and fair play, they and not the National Education Commissioners, should have, and continue to have the final appointment of the master."

Churchwardens at the time of the founding of these schools did not necessarily belong to any particular denomination. Mr. Burton next says:-

"The provision in paragraph 16 permits the teachers to be Catholics or Baptists, considering therefore the history of these schools it would be only fair that the head master be a Churchman, and the head mistress a Presbyterian, as at present."

Mr. Burton's fourth objection states as follows:-

"From paragraph 19 of draft the words 'and minister respectively' both in line six and line eight should be omitted, as also the words 'of the pupils of their own denominations.' Indeed all the words after Incumbent in line six should be omitted." He says it leaves "An opening for the continuance of past bickerings between the two denominations, and besides it gives the minister of the Presbyterian Church a say in the carrying on of our Sunday schools, and it is creating an outside interference in our Sunday school management which hitherto had no existence."

With regard to paragraph 21, he says:-

"The same chairman may continue all his life."

And he suggests a "Custer and Pollux" or "Box and Cox" arrangement.

He says:-

"The fairest way it seems to me would be to have the Incumbent of the Parish one year as the Chairman, and the Presbyterian Minister as Vice-Chairman, and in the next year reverse the position of the dignities."

The Rev. L. Paul T. Lefroy, lately Rector of Killinchy, suggests that the place of meetings of the Governors should be the schoolhouse; he objects to power being given to change the site of the schools;

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he claims that a "correspondent" should not as such have any of the powers of a manager; he suggests that out of school hours the school premises should be under the control of the rector. Mr. Ledwith also objects to the chairman having a casting vote. "The Presbyterian members of the School Committee" suggest that for the words "Congregation of the Presbyterian Church, Killybegs," he substituted the words "The Killybegs Presbyterian Congregation," and that for the word "Presbytery" the word "Session" be substituted, so that "the Session of the Killybegs Presbyterian Congregation in connexion with the General Assembly of the Presbyterian Church in Ireland" should be substituted. Further they suggest some minor amendments, and in particular that if there should be a difference of opinion in appointing the head master or mistress the question should be deferred until a larger number of the Governors shall attend. If there were a tie all that would be necessary to prevent anything being done is for those on either side to stay away. The Rev. D. R. Moore sends a letter stating that the Presbyterian members of the committee will be satisfied if the offices of Chairman and Vice-Chairman be arranged to alternate each year between the Incumbent and the Presbyterian Minister. The Rev. A. Wilson, Remonstrant Presbyterian Minister, has entered a protest against the proposed scheme, because he says a gross injustice is done to his denomination in its being totally ignored in the management; and he says that injustice is the more patent from the fact that his denomination is the most numerous and pays the largest amount of taxes of any denomination in the locality. He adds that—

"If the Commissioners perpetrate this injustice of the Board of Inquiry in the case of this school, I shall be forced to seek from the House of Commons the justice denied me by the Educational Endowments Commissioners."

The Standing Committee of the General Synod of the Church of Ireland objects to the draft scheme for several reasons, viz. :—

(1.) "By allowing the election of four representative governors without specifying their denomination, it destroys the original provision for preserving the equality of the denominations on the Governing Body; (2.) It removes from the Churchwardens to the Commissioners of National Education the right of final decision in the appointment of teachers; and further (3.) It makes inefficient provision for the protection of such rights as the Incumbent and the members of the Church of Ireland have hitherto enjoyed with reference to the use of the buildings for Sunday Schools and other similar purposes."

They are of opinion that the Incumbent should be ex-officio Chairman of the Board, and the Presbyterian Minister, Vice-Chairman. These are the objections, and we are now ready to take them up in order.

Mr. Craig, *q.c.*, appeared for the Presbyterians.

Rev. J. G. Burton (Rector of Killybegs).—This is my first appearance before this court, and I am labouring under a great disadvantage. I am only a few months in the parish, and Mr. Moore has been there for a lengthened period. I cannot understand the idea of taking away a power from the churchwardens which they possessed in the past and giving it to the National Board. We have in Killybegs Presbyterians proper, Remonstrant Presbyterians, and members of the Episcopalian Church. To substitute the National Board for the churchwardens seems to do a gross injustice to the Church of Ireland.

Mr. Craig.—It was proved at the last inquiry, that Presbyterians had been churchwardens.

1737. Mr. Justice O'DONNELL.—I understand you to urge that the choice of the head teachers should be given to the churchwardens?

Mr. Burton.—I think it should be retained by them.

1738. Professor DOUGHERTY.—Why do you object to the National Board?

Mr. Burton.—Because it is taking away a right that the churchwardens always possessed.

1739. You do not suggest that the Presbyterians have any undue influence with the National Board?

Mr. Burton.—No.

1740. Dr. TRAILL.—As I am responsible with Professor Dougherty for this Scheme, I do not want to go into an argument as to whether the present churchwardens represent the old ones or not. Undoubtedly, the late Mr. Ward was Rector of the parish, and he palled well with the Presbyterians here; but when I find by the Census, Presbyterians, 2,500, and Episcopals, 300, I cannot shut my eyes to the fact, and I think it would not be reasonable to give the selection of the master to the churchwardens, which would prevent equality between the churches. When a deadlock, such as that referred to comes, I do not see that the settlement of it should be left with the churchwardens. We tried to devise the best means to get the question settled, and we could think of no person but the Inspector of the National Board for the district, and accordingly we left it to the National Board Inspector, who occupies, as we believe, a neutral position between the two.

1741. Lord Justice FRYGIEVER.—The former speaks of "The parish of Killybegs." In the Census of 1881, the population of the parish is as follows:—728 Roman Catholics; 259 Protestant Episcopalians; 2,533 Presbyterians; 12 Methodists, and 677 of all other denominations. I believe these 677 belong to churches of the Presbyterian Constitution?

Mr. Burton.—There is Mr. Moore's Congregation, Mr. Wilson and Mr. Hodge have another meeting-house about a mile and a half or two miles away.

1742. Professor DOUGHERTY.—That is a Reformed Presbyterian Church?

Mr. Burton.—There was only one Congregation in Mr. Ward's time.

1743. There is no one put on the Board of Governors as a representative of Mr. Hodge's Congregation. Would you be prepared to give a representative to Rafferty Congregation?

Mr. Burton.—It has nothing to do with it.

1744. It is in the parish?—It is, but a very considerable distance away.

1745. Would you give one to Ballygowan?—It has a school.

1746. You do not want to give a representative to any except those you select?—I want fair play, and to put an end to the bickerings that have been going on.

1747. How long have you been in the parish?—Six or seven months.

Mr. Craig, *q.c.*—There has been bickering going on ever since Mr. Ward died.

(Minute book was here produced.)

Mr. Craig.—I am told that those minutes are not quite accurate.

1748. Lord Justice FRYGIEVER.—At a meeting of the Committee held on May 3, 1876, Mr. Moore moved, and Mr. Osborne seconded the following resolutions:—

(1.) "All rules and resolutions of the Killybegs School Committee passed previously to 1873, are hereby repealed, and all rules and resolutions passed from that time to the present, are hereby considered valid, and confirmed on the adoption of these resolutions." (2.) "The Managing Committee of the school shall be composed of the *ex-officio* members, the Minister of the Protestant Episcopal Church, and the Minister of the Presbyterian Church, together with three at present sitting in that capacity, viz., Mr. R. Thompson, Mr. S. Osborne, Mr. H. McCann, and Mr. John Connel, together with those whom the committee may from time to time elect to the number. Previous intimation of each election to be given by the manager to all the members." (3.) "The schools shall be conducted in connection with, and subject to the rules of the National Board." "Mr. Osborne moved, and Mr. Thompson seconded as an amendment the following:—'That as the committee is not at present constituted according to the fundamental rules, viz., One-half to be members of the Established Church, and the other half to be members of the Presbyterian Congregations, and as it is of great importance that

any new rules be maturely considered, the rules proposed by the Rev. D. R. Moore, be considered at an adjourned meeting to be held on a day to be appointed by the Committee." On the amendment being put, two voting for and four against it, it was declared lost, and as no other amendment was proposed, the original resolutions were put, carried by four to two, and declared passed. The Rev. E. E. Orr moved the following protest:—"I solemnly protest against the rules proposed by the Rev. D. R. Moore, being proposed to the committee constituted such is at present." Reference was made to the death of Robert Foster, Esq., of Ardara, the last of the original members of committee, who for a period of fifty years took a deep interest in the prosperity of the schools. Mr. Orr moved, and Mr. Thompson seconded, that Thomas Peter Miller, Esq., Major Babin, and Mr. John Gordon, be elected members of the committee, in the place of Robert Foster, Esq. (deceased); Captain Johnston (deceased); and Mr. Samuel Hewitt (gone). Mr. Moore moved as an amendment:—"That T. P. Miller, Esq., and Mr. Wm. McCann be added to the number." As this amendment was not seconded, it fell to the ground. Another amendment was proposed by Mr. O'Brien, and seconded by Mr. Coulter, viz.: "That there be no elections to the committee until it be successful if T. P. Miller, Esq., as a resident in the parish. On this amendment being put, four voted for, and one against it. It was therefore declared carried, and the original motion lost."

At a meeting of committee, at which we are told all the members were present, and which was held on the 29th of September, 1876, it was proposed, seconded, and carried, that the regular notice to leave be given to Mr. Mitchell, and the following is the copy of notice which was served:—

"Notice is hereby given, in terms of agreement, to Mr. James Mitchell, that in three months from this date his occupation, as teacher of the Killynchy Male National School, shall determine; that at the end of December, 1876, his place shall be declared vacant and another teacher appointed."

At the succeeding meeting, Mr. Osborne moved and Mr. McCann seconded, that Mr. W. T. Stewart be appointed as principal teacher of the male school, provided the Inspector gives the necessary credentials of qualification. J. W. T. Stewart, gave a promise to quit and yield up peaceable possession to the committee of the Killynchy Schools all property belonging to the schools, which might come into his possession, forthwith on the written request of the committee. At a meeting of committee, "held on 31st January," letters from the Secretary of the Representative Church Body, claiming the deed, were considered. Mr. Moore was directed to seek counsel's opinion on the subject and act accordingly. There were present Rev. Mr. Orr, Rev. Mr. Moore, Mr. Thompson, Mr. Osborne, Mr. McCann, Mr. Coulter. These minutes were adopted on the 13th of May, 1878. At a meeting held in May, 1878, T. P. Miller, Esq., was appointed a member of committee in the place of R. Foster, Esq., deceased; and a conversation ensued in reference to the deed of the school premises, which had been forwarded to the Archdeacon with the instructions that he would be held responsible for it, and the trust mentioned in it. At a meeting held on 23rd October, a letter was read from Mr. Stewart, teacher of the male school, stating that he had left and accepted of another school. The committee, it is stated—

"Expressed their willingness to let him go without the ordinary notice. Mr. Moore was directed to offer the school to Mr. Enders. A letter was also submitted from Mr. Robert Thompson, stating that from old age and infirmity, he felt obliged to resign his position on the committee, and expressing the hope that the committee would appoint a successor in his place. It was then proposed by the Rev. E. E. Orr, and seconded by T. P. Miller, Esq., that Mr. Thompson, who has sent in his resignation, be permitted to name his successor, in accordance with the custom of the committee. An amendment was proposed by the Rev. D. R. Moore, and seconded by Mr. H. McCann:—"That Mr. Thompson's resignation be accepted forthwith, and a day named for the appointment of a successor." On the amendment being put the meeting two voted for it and two against it. The Chairman gave his casting vote

in favour of the amendment, and declared it carried. The Rev. E. E. Orr then entered the following protest:—"I hereby protest against the Rev. D. R. Moore exercising the right of giving a casting vote, inasmuch as he has not been moved into the chair."

The next meeting of the committee as recorded here was arranged to be held on the 23rd of October. Before this meeting of the 22nd of October separated, a letter from the Rev. R. H. Orr was read and handed to the chairman, asking for the appointment of two members of the Irish Church on the School Committee. The meeting, as arranged for, was duly held and the minutes say:—

"A meeting of the committee was held on the 28th of October, 1878. The minutes of the previous meeting were read and confirmed. Mr. Coulter moved, and Mr. McCann seconded, "That as the Rev. D. Moore's position as manager and chairman of committee has been challenged, we hereby appoint him as manager and chairman of committee meetings." Mr. Orr moved, and Mr. Miller seconded, as an amendment:—"That the consideration of this question be postponed till the committee be properly constituted." The amendment was put and lost, after which the original motion was put, carried, and declared passed. The following was then moved by Mr. Moore and seconded by Mr. McCann:—"In reference to a letter received from the Rev. R. H. Orr relative to the appointment of two members of the Irish Church on the committee, we reply that the committee is prepared to appoint equal numbers of the Irish Church and the Presbyterian Church and resolve the resolutions of 3rd of May, 1874, provided:—(1.) That a fair arrangement can be arrived at regarding the Churchwardens as visitors in the appointment of visitors; such churchwardens at the time when the deed was drawn up being as a rule Presbyterians, but now invariably members of the Irish Church. (2.) That Rule 4 be accepted as it was originally written, i.e. that the words 'congregations' there be changed to 'congregation'; that at present it is incorrect to say (as) from the facts and showing that the s was added subsequently; (3.) from the history which shows that when the rule was made only one Presbyterian Congregation existed in the parish; and (4.) from the testimony of other copies of the rules which were written about or before the time the schools were built, in which the word is written in the singular—'Congregation.' (5.) That the several members of committee be always *ex-officio* members of the two congregations concerned, viz.: the Protestant Episcopal Congregation of Killynchy, and the Presbyterian Congregation of Killynchy. (6.) That the Rev. D. R. Moore be accepted as the manager of the schools and chairman of the committee which be at present exercises by appointment and precedent in the committee. That we postpone appointing to the committee any further notice; and that a copy of these resolutions be forwarded to the Rev. R. H. Orr, in answer to his letter, stating that the committee have all along been most anxious to secure a return of that peace and unity for which the parish and committee were hitherto distinguished, and they hope Mr. Orr and such as may be sitting in concert with him may see their way to join in the promotion of such a laudable project." An amendment was moved by the Rev. R. Holmes Orr, and seconded by T. P. Miller, Esq.:—"That two members of the Church of Ireland be elected on the committee in the place of Captain Johnston (deceased), and Mr. Samuel Wm. Hewitt (gone)." After considerable discussion Mr. Coulter moved and Mr. Miller seconded, that this meeting adjourn till the 5th November at twelve o'clock, which was accordingly agreed upon."

An adjourned meeting was held on the 5th November, 1878, at which, after the applications of teachers were considered, it was agreed that the Rev. Mr. Moore be authorized to appoint Mr. Wm. Sliech or Mr. Isaac Arnold on making further inquiries respecting them. The motion and amendment which were before the Committee at the adjournment of the previous meeting were again brought under consideration. The minutes say:—

"By mutual consent Mr. Orr and Mr. Miller withdrew the amendment, and Mr. Moore and Mr. McCann withdrew the motion, after which a conversation ensued regarding the contents. Moved by Thomas Peter Miller, Esq., and seconded by the Rev. R. Holmes Orr, that in consequence of Mr. Samuel W. Hewitt, who was a member of the Committee, having at present the year 1864 left this country to reside in America, it is hereby declared that a vacancy

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has therefore occurred, and that the committee do forthwith proceed to elect a member of the Church of Ireland in the room and place of the said Samuel W. Hewitt who is still resident abroad. Mr. Cochrane moved as an amendment that the word 'forthwith' be omitted, and the words 'on the next day of meeting' be inserted instead. The amendment not being seconded, and the word 'forthwith' being withdrawn from the motion, it was passed unanimously.

It is then stated here that the meeting agreed to adjourn until the 14th of that month. On the 14th the adjourned meeting was held. At its request Mr. Moore proceeded to read the minutes, and bring forward business under protest, there being only three members present, viz.: Rev. R. H. Orr, T. P. Miller, Esq., and Rev. D. R. Moore. Letters from the Inspector regarding Mr. Wm. Shields and other teachers were submitted, when it was moved by Mr. Foster Miller, and seconded by Mr. Orr, and agreed to—

"That the Rev. D. R. Moore be, and he hereby is authorized to appoint a master."

At the request of the Rev. Mr. Orr his letter addressed to the Rev. Mr. Moore, and referred to in the minutes of the 35th of October, was inserted in the minutes. That letter was as follows:—

"The Globe, Killybegs, Co. Down,

"October 22nd, 1878.

"DEAR SIR.—I have received the following opinion of counsel from the Legal Committee of the Representative Church Body, who are now the Trustees of the Killybegs School. It is dated January 29th, 1878, and is an answer to a letter which I wrote to them, requesting them to consider what ought to be done to restore the original constitution of the committee.

"According to the original rules the committee appears to have been improperly constituted from the time when more than three Presbyterians were elected as members of it, and I think that the resolutions passed at the meeting of the 2nd May, 1876, were invalid, being passed by a committee not constituted according to the rules then in force. But I do not see that the Representative Church Body can interfere in the management of the school. The legal estate in the ground on which the schoolhouse stands was conveyed to Archbishop Alexander by the deed of 1837, but no powers as to direction or control in the management were given to him. His estate is now vested in the Representative Church Body, but they have no greater power than he had. An interference in the name of the Attorney-General would be the proper course for Mr. Orr to take, but it would be attended with considerable expense. He might serve a notice on Mr. Moore and the committee showing the illegality of the constitution of the committee and consequently of the proceedings which have taken place, and requiring that three members of the Irish Church should be elected in place of the last three who are on the committee. Possibly such a notice might have some effect. I think that the Representative Church Body are entitled to have the custody of the deed of 1837.

"A. HENDERSON, Q.C."

"Since the receipt of this opinion the Committee have elected Mr. T. P. Miller, and I now call upon them through you to elect two other members of the Church of Ireland. I am in hopes, from the tone of late committee meetings, that any misunderstandings which may have hitherto existed may be satisfactorily explained, and that this just and equitable request will not be refused.

"I am, dear sir,

"Yours faithfully,

"R. HOLMES, Cms.

"To the Rev. D. R. Moore."

At the meeting of the 5th December, 1878, Mr. Moore stated that in fulfillment of the duties which he was entrusted he had appointed Mr. William Shields master of the Mall School on trial, and that Mr. Shields had signed the document in reference to the school property required by the deed. The minutes afterwards state—

"Mr. Moore moved and Mr. McCann seconded.—That counsel's (Mr. Henderson's) information regarding the con-

stitution of the committee has been imperfect, and consequently his opinion is misleading, inasmuch as at no time have more than three Presbyterians been elected to sit on the committee." After some conversation the mover and seconder withdrew the motion in deference to the feelings of the Rev. R. H. Orr, who considered the motion reflected unpleasantly on himself, an idea entirely foreign to the intention of the mover and seconder. Mr. Moore moved and T. P. Miller, Esq., seconded:—"That the resolutions of 2nd May, 1876, be, and they hereby are rescinded." On the motion being put to the meeting, three voted for, and none against. It was accordingly declared carried. Proposed by the Rev. D. R. Moore, seconded by T. P. Miller, Esq., and agreed to:—"That the statement annexed be submitted by Mr. Moore, and also the letter from Thomas Greene, Esq., M.A., Secretary of the Representative Church Body, dated 10th July, 1878, be inserted in the minutes."

The statement annexed the deed here referred to is as follows:—

"Mr. Moore begs to state to the committee that he received the deed of the School premises from the Hon. Mrs. Ward; that he retained charge of it until claimed by the Representative Church Body; that their claim was submitted to the committee which gave him discretionary power of consulting counsel and acting accordingly; that he consulted a solicitor who stated that the Archbishop was the Trustee, and therefore had the only right in the deed; that Mr. Moore directed solicitor to forward the deed to the Archbishop; that the Archbishop stated that as the Representative Church Body had written to him for the deed, he would either return it to solicitor if requested, and filling such request forward it to the Representative Church Body; that the Archbishop was not requested to return the deed, but reminded as his name was on it, he would be held responsible for its safe custody."

I think I have read enough to show that things have not been going on pleasantly.

Rev. Mr. Burton.—It has been imputed to the Rector of the Parish that he has done his very best to stop the trouble.

1748. PROFESSOR DOUGHERTY.—Are you speaking of yourself?

Mr. Burton.—I have not had any trouble since I went there.

Messrs. MOLLAY.—The desire of both sides was peace, but the result was war.

1750. LEED JUSTICE FLEMING to the Rev. Mr. Burton.—Tell us what you really think we ought to do?

Mr. Burton.—I would like to refer to the question of giving up possession. In the deed it is stated that—

"No person shall be permitted at any time to take possession of the house and residences to be built on said land, or of said lands, or any part thereof, who shall not have first signed and delivered to the said Archbishop or his successors, an agreement on the part of such master to quit and yield up possession of such house with its appurtenances and the said lands and premises forthwith, on the written request of the said Archbishop or his successors without other notice."

1751. The Archbishop has it vested in him as trust for the School committee?

Mr. Craig.—The copy of the deed I have requires that possession should be given up to the committee.

1752. Mr. Burton.—To the committee?

1753. May I draw your attention to rules 4 and 5? These two rules specify the duties of the committee, and to give the control of the school over to the governors or committee is giving them powers that were not intended. Of course it is taking them from the Church. Never until Mr. Moore got control of the place was there such a document demanded from the teachers as is inserted on the minutes, several times afterwards, as having been demanded by the committee.

1754. DR. TRAILL.—I suppose you mean that the trustees are the persons to whom that document should have been given and not the committee?

Mr. Justice O'BRIEN.—It would be much more reasonable to sign an agreement to deliver up to the

committee; it would be an absurd regulation to require him to give up to the Archbishop; if he declined to act, that might not determine the office at all.

1755. Mr. Justice FRINGHAM.—Proceedings could only be taken by the man who had the estate. The Archbishop was trustee of the property for the purposes of the school. If a process had to be issued it would be in the Archbishop's name, but the moment he got possession he was bound to use it for the purposes of the school.

Witness.—As there are trustees, so the control of the school buildings should not be given to the committee; and the arrangements made in the Scheme seem to me to tend very greatly to preserve contention.

1756. Professor DOUGHERTY.—To whom would you wish the control to be given if not to the committee? Witness.—To him in whose hands it has always been in the past—the rector of the parish.

1757. Mr. Justice O'BRYEN.—In that case the rector might displace the master, and he might keep the schoolhouse. Would not that be a very absurd and extraordinary result?

Witness.—I think not—seeing that the rector is one of the governors.

1758. Supposing the majority of the governors determine to remove the master, and the control of the school buildings is given to the Archbishop or to the rector alone, would not he have the power of continuing in the schoolhouse after being displaced?

Witness.—That is quite possible.

1759. Dr. TRAILL.—You would not contend for that. Would you not be satisfied if the rector had the use of the school buildings after school hours?—To claim an absolute veto would be an extreme demand.

Mr. Justice O'BRYEN.—The Commission possesses the power of vesting the control in any body of Governors, although originally given to the Archbishop.

1760. Lord Justice FRINGHAM.—Supposing the appointment of a master or mistress is to take place, let the members of the Ecclesiastical body put their hands in their pockets and vote. If the appointment is given to the churchwardens, virtually that would exclude the Presbyterians. Formerly they appointed churchwardens and had Presbyterian churchwardens. They cannot do that now.

Witness.—I know that perfectly well, but what I want is that the rights and privileges of the Church in the past should be preserved.

Mr. Justice O'BRYEN.—That is a very large proposition.

1761. Lord Justice FRINGHAM.—We will do so, so far as they exist by law. With all respect to Mr. Henderson's opinion, though the question has been referred to in Parliamentary reports and elsewhere, this is the first time that I have heard it stated that a churchwarden, who is now elected by his own congregation, is a churchwarden under the statute of George IV.

1762. Dr. TRAILL.—In case of a dead-lock, who is to settle the matter?

Witness.—There has been no dead-lock in the past; let one teacher be Church and the other Presbyterian.

1763. Dr. TRAILL.—Yes, but who is to have the selection of the Head Master?

1764. Lord Justice FRINGHAM.—Have you two religious or one—are there two National Schools?

Witness.—Two. There is a male teacher and a female teacher.

1765. Professor DOUGHERTY.—How many of your children attend the schools?

Witness.—I do not exactly know.

1766. Dr. TRAILL.—Will you be satisfied if one teacher is Church of Ireland and the other Presbyterian?

Professor DOUGHERTY.—I have never seen the rolls.

Mr. CRAIG, Q.C.—At present there are—Episcopalian, 17; Reformed Presbyterians, 25; and the Presbyterians of the General Assembly, 23.

Witness.—With regard to those numbers, I may mention that we are a free and easy kind of people in Killiney, and that the late Mr. Ward often went down to preach in Mr. Moore's place.

1767. Professor DOUGHERTY.—Have you preached in Mr. Moore's place?

Witness.—I have not. I have never been asked.

1768. Lord Justice FRINGHAM.—Your proposal now is that one teacher shall belong to the Church, and that the other shall be a Presbyterian, but you have got two separate schools—a boy's school and a girl's school. You ask that the male teacher and the female teacher shall once and for all be declared to belong to one particular denomination. Unless both offices are vacant at the same time, or you displace the second teacher whenever one vacates, you will not have two to appoint at the same time. If you now "freeland" set at Killiney—by which I suppose you mean that you live together in Christian charity, why should you tie yourselves down to have teachers of particular denominations? In the administration of the National Board system, in the matter of vacancies of inspectorships, it is laid down in a custom-way that each vacancy shall be assigned to a Presbyterian, a Roman Catholic, or a member of the Church of Ireland, and I have known a Gold Medal man of Trinity College beaten for a Presbyterian vacancy, while the Board was advertising for candidates to compete for Roman Catholic vacancies. If you fix one and for all that one teacher is to be Church of Ireland, and the other Presbyterian you may be depriving yourselves of the power to elect candidates of superior merit.

Witness.—I see the point.

Dr. TRAILL.—These things look very well on paper but when you come to work them you experience numerous difficulties.

1769. Lord Justice FRINGHAM.—Make your governing body a fair one, and let them act freely. The thing was doing fairly well until one side got a preponderance. From that there has been a struggle for power, and a continual dead-lock.

Dr. TRAILL.—It was one of the fundamental rules that there should be an equality.

Witness.—My predecessor there appealed again and again to have equality. I do not think that I would have extended the same amount of forbearance that he did.

1770. Professor DOUGHERTY.—If the scheme gives equality, does not it secure the very object you are here for?

Witness.—Certainly, I want to prevent the cases occurring again, if possible.

1771. Dr. TRAILL.—The only difficulty Professor Dougherty and I had was—when a dead-lock would come who was to decide the question? After a good deal of consideration we came to the conclusion that the Commissioners of National Education or their Inspector were the only parties we could advise to arbitrate in the dispute.

Witness.—I think it should be given to the National Board, and not to the Inspector.

1772. Mr. Justice O'BRYEN.—I quite agree with you—to the Commissioners themselves—and not the official.

Mr. CRAIG.—His predecessor made the same suggestion.

1773. Lord Justice FRINGHAM.—On the matter of the control of the school after school hours, it would occur to me that the school ought to be available for any proper purpose when it is not wanted for school purposes. There are two school-rooms as I understand?

Dr. TRAILL.—There has been a collision in the parish. There was a temperance meeting announced to be held in the schoolhouse, and when the key was asked for it would not be given.

Oct. 21, 1861.

Professor DOUGHERTY.—It was understood there was some regulation of the National Board precluding that.

Witness.—The National Board was not at fault at all. It was a holiday, and the National Board could not interfere. I say the control of the school after school hours should be given to the rector of the parish.

1774. **Lord Justice Fitzgerald.**—Of both schools?

Witness.—Both. That is how it has been in the past. It is situated on old glebe lands.

1775. There are 100 children on the roll of the school, and two teachers—how can you want the two school-rooms for Church purposes?

Witness.—I am talking about having it after school hours—in the evening, and for Sunday school.

1776. What number of pupils do you require the school-rooms for?

Witness.—I think it is about fifty or sixty.

1777. There are about 250 members of the Church of Ireland altogether in the parish, according to the Census. Surely there ought to be no difficulty about this matter.

Dr. TRAILL.—In Mr. Ward's time the Presbyterian teachers came with him to assist at the Sunday school.

Witness.—There is one Presbyterian teacher. We had another and he is gone.

1778. **Mr. Justice O'Brien.**—I do not think it would conduce to peace that the use of this school out of school hours should be solely reserved for one denomination, with eighteen pupils as against ninety-three of another.

Dr. TRAILL.—He does not claim that.

Witness.—I am talking about fair play, my lord.

1779. **Lord Justice Fitzgerald.**—You have got into a state of friction. We cannot expect the thing to work smoothly at present. I think we might fairly give the incumbent priority of right to use one of these school-rooms after school hours, and give an equal priority of right in the other school-room to the Presbyterian minister, and when both school-rooms should be wanted by either this should be by joint arrangement.

1780. **Dr. TRAILL.**—Does Mr. Moore want this for Sunday school?

Rev. Mr. Moore.—We have one in the evening; we do not object to Mr. Barton having one in the morning.

1781. **Lord Justice Fitzgerald.**—As you have your Sunday school you ought to have a place for it, and the right to hold it. You can do it, though perhaps not quite conveniently, if one clergyman has a right to one room and the other to the other. Then if either wants both at different hours of the day you can come to an arrangement among yourselves.

1782. **Dr. TRAILL.**—There is a Sunday school belonging to Mr. Moore's Church elsewhere, and there is none belonging to the Church elsewhere. Supposing they had different rooms and both were singing at the same time it might be rather awkward. (To the Rev. Mr. Moore), Do you want the school-house in the morning?

Rev. Mr. Moore.—No, provided we are allowed to retain our evening school.

Witness.—The Sunday school was not held for years in the afternoon.

1783. **Dr. TRAILL.**—It is a reasonable demand, on the part of the clergyman, to have the school-house on the Sunday morning.

Rev. Mr. Moore.—I do not object to his having control of it in the morning.

1784. **Lord Justice Fitzgerald.**—I was suggesting that you should have one room each.

Dr. TRAILL.—That would not work satisfactorily. 1785. **Professor DOUGHERTY.**—If you are able to state that there are any particular hours or days that any one doesn't want the school-house, then we could easily put into the Scheme that, until other arrangements are made by the Governors, these arrangements shall be continued by the committee.

Mr. Craig, Q.C.—We are quite satisfied that they should have the whole use of the school on Sunday mornings, and that we shall have it on Sunday afternoons.

1786. **Monsignor MOLLOY** (to Rev. Mr. Barton).—Do you agree to that proposal—if you get the use of the entire school on Sunday morning to give it to them on Sunday evening?

Witness.—The friction might continue that has been going on for years. If it is put into the hands of the rector he will always give it if they require it for any purpose.

1787. **Monsignor MOLLOY.**—If you put it into the hands of the Presbyterian minister he will always give it to you.

Dr. TRAILL.—Mr. Barton will be satisfied if he gets the school on the Sunday mornings, and that is a reasonable request.

1788. **Lord Justice Fitzgerald.**—Now, as regards the use of the place for evening schools, the rector should be able to use one of the school-rooms and the Presbyterian minister the other to establish week evening schools. In all probability the schools will become part of the Governors' scheme of education.

Mr. Craig, Q.C.—There never has been an evening school for Church people there.

Witness.—Who is to decide who shall have morning school, and who evening school?

1789. **Lord Justice Fitzgerald.**—Have you ever had in Killinick, or in any other place, Sunday-schools in the evening?

Witness.—Certainly. I had them in Australia, and I had them in Lurgan.

1790. It comes to this that you want the place altogether for yourself.

Witness.—I was intending to open a Sunday school after I come here, in the evening, but on account of the friction I did not do it. Further, I wish to say that I do not think the chairman ought to receive a casting vote.

1791. Each is afraid of the other, and you want an alternating chairman and vice-chairman annually. It is a very funny arrangement, but, perhaps, in the end may lead to peace.

Dr. TRAILL.—That is agreed upon, I think.

Lord Justice Fitzgerald.—The chairman must have a casting vote.

1792. **Dr. TRAILL.**—In any alteration of the fundamental rules there ought, I think, to be two-thirds vote.

Witness.—The quorum ought to be more than three, because we are three and three. We might be equally divided, and might continue the fighting, because Mr. Moore may hold a meeting in one room, and I may hold it in the other. Who is to decide which is the meeting?

1793. **Lord Justice Fitzgerald.**—The Commissioners of Charitable Donations and Bequests put an end to meetings that failed for want of a quorum by making the quorum exceedingly small. Then everybody came for fear something might be done in his absence. You cannot make the quorum in this case more than three. If you make it four all that one side or the other has to do to tie up the whole business is not to go.

1794. **Monsignor MOLLOY.**—But if there is a meeting of three with the chairman in one room, and a meeting of three with the vice-chairman in another room—which would be the meeting of the Governors?

Dr. TRAILL.—The one with the chairman.

1795. **Witness.**—There is no mention made of an honorary secretary or treasurer!

Mr. Craig, Q.C.—The Governors may appoint an honorary secretary or other officers under the Scheme.

1796. **Witness.**—Supposing they do not appoint a secretary, who would keep the minutes?

Lord Justice Fitzgerald.—The chairman would have to keep them.

Dr. TRAILL.—I think you should make a layman keep them.

Mr. CRAIG, Q.C.—I am glad that a great deal of these past bickerings, so frequently alluded to by the several gentlemen, have been held by the Court not to be relevant, and I certainly shall not enter into any question of that kind. We pass away from the past. Those whom I represent, hold a different view as to whom the blame lies with for those bickerings. With regard to the matter of the churchwardens, I think the observations referred to by the Court have anticipated anything I could have said. The churchwardens are a totally different body now from what they were in the past; they represent different interests, are differently elected, and differently constituted. To continue them would be to offer a premium upon differences between the different sets of governors; because one side would be anxious to have an equally divided vote upon the question of the head masters, in order that their Churchmen might come in and sweep the election. The head masters will be appointed in future with the knowledge that a body of such anxious as the National Board, totally disinclined in the matter, will settle the appointment when there is an equal division. I think the spirit of fair play and consideration for one another will grow up among the Governors. It would be rather a slur upon every member of the body that they could not agree among themselves, and they will be disposed to avoid a reference to the National Board. With regard to the second point of the objection, Mr. Burton said nothing, and there was really nothing that ought to have been said. Then he speaks about the head master being a Churchman, and the head mistress a Presbyterian as at present. After what has fallen from the Court, it is not necessary to say anything more about that. The Commissioners are not inclined to the hard and fast the Governing Body, with the result that the best man or the best woman might be shut out from choice when a money occurred. With regard to the evening classes, any scheme that might suggest itself in order to enable Mr. Burton to hold the evening classes (which he has never held before) we will not object to. We will offer no opposition to anything of that kind.

1797. Professor DOUGHERTY.—Supposing he would like to have these buildings for a temperance meeting or anything of that kind, would you object?

Mr. CRAIG, Q.C.—There is not the slightest objection to his doing so. We will be glad to allow him to have every opportunity of using the rooms on any occasion his wants may require them, without any objection on our part.

1798. Dr. TRAILL.—He does not like to ask permission; it is a question of sentiment.

Mr. CRAIG.—His sentiment extends to the whole school premises.

1799. Lord Justice FRANKLIN.—Paragraph 19 gives to the clergyman in each case the control of the instruction to be given at his own Sunday school. The objection seems to have been framed under the misapprehension that the Incumbent and the Presbyterian minister together were to do it. We are agreed that the chairman shall be in each alternate year the Incumbent and the Presbyterian minister. It is a fair working arrangement though a very curious one. If one had a liking and the other a dislike for any particular line of action the one might possibly be held in check to some extent by the knowledge that the other would oppose him.

Mr. CRAIG.—We must take our chance of that.

1800. Professor DOUGHERTY.—You assume that the Presbyterian Minister of Killinohy and the Rector will never again work in harmony?

Mr. CRAIG.—I hope not. It is only because the offer came from the other side, and because we wish to meet it as far as in our power, that we have consented to the proposed arrangement. Those are all the objections referred to by the Rev. Mr. Burton; but I would call the attention of the Commissioners

to the fact that, as regards the National Board, the Rector of the parish—the Incumbent—was satisfied, at the previous inquiry, that the National Board should arbitrate on the question of the head master.

Rev. Mr. BURTON.—May I be permitted to make an explanation for the benefit of Mr. Craig, about paragraph 19? My intention was to make it plain that I wanted entire control of the building after school hours.

1801. Mr. Justice O'BRIEN.—On Sunday?

Rev. Mr. BURTON.—On Sunday and every other day.

Mr. CRAIG.—I quite understood that, and was rather surprised at it.

Rev. A. Wilson, Minister of the Presbyterian Church of Killinohy, in connection with the Remonstrant Synod of Ulster.—You have heard a great deal about bickerings. I suppose the reason why there was so much bickering and dispute was because no member of my congregation was on that committee. During the lifetime of the Honorable and Reverend Henry Ward there was a member of my congregation a member of committee, Mr. John Morgan, and there was no bickering or dispute. Whether it was owing to his influence, or the influence of the members of my congregation on that committee, I am not at present able to say. Seeing that my congregation is so influential, I think it ought still to be represented on the governing body. I have over 250 stipend payers; I have about 20 non-stipend payers, and if I multiply that total by four or five, to represent each family in my congregation, it must be clear that my congregation must have considerable influence in the neighbourhood. My congregation chiefly consists of very large farmers (I can prove this by a memorial which I propose to present to you), and it is but right that we should have some share in superintending the education of the district. The congregation pays considerably towards the support of these schools in the way of contributing, and we have contributed in the past, even in Mr. Ward's lifetime, for the improvement of the schools on several occasions, and I do not see why we should be entirely excluded from the management of these schools.

1802. Lord Justice FRANKLIN.—At what date was the congregation you represent established in the parish?

Witness.—There were two Presbyterian congregations in 1834. After the foundation of the schools there was a split in the Presbyterian congregation, and whether you grant it or not I claim to be the Presbyterian Minister of Killinohy.

1803. Professor DOUGHERTY.—You are a Presbyterian Minister of Killinohy.

Witness.—I call myself the Presbyterian Minister of Killinohy. Whether it be granted is quite a different question. My predecessor, the Rev. Samuel Watson, withdrew from the congregation of which he was formerly Minister, and also from the Committee of Management of this school; and also Mr. Thomas Osborne, who was a member of the committee at the time of the split. There were some donations which were equally divided between the two Presbyterian congregations—I brought the minute book before you at the last inquiry. Now, if this congregation is divided—and if these donations were divided—I think in justice we ought to share the representation on the committee of the Killinohy National School.

1804. Mr. Justice O'BRIEN.—What proportion do you represent?

Witness.—I believe we gave considerably more than the other Presbyterian church. The exact amount of the donations will be seen in the copy of the minute book.

1805. Professor DOUGHERTY.—You said that your predecessor, the Rev. Mr. Watson, retired from the committee after what you call the split in the con-

gregation. Now, did Mr. Moore's predecessor go on the committee after Mr. Watson's retirement and not with Mr. Ward?

Witness.—I do not know anything about that.

1805. Lord Justice Fitzgerald.—[Reading the evidence given at a former sitting.]—You said:—"I am here as the Presbyterian Minister of Killinchy. I hold that the Rev. D. H. Moore is not the Presbyterian Minister," &c.

Mr. Watson continued to receive the *Regium Donum*.

Witness.—Yes.

1807. Professor DOUGHERTY.—We are bound to carry out as far as we can the intention of the founder. It plainly was the intention of Mr. Ward to recognise Mr. Moore's predecessor as the Presbyterian Minister of Killinchy.

Mr. Craig.—There was a Chancery suit to decide who was the Presbyterian Minister—and it was decided in the Court of Chancery.

1808. Dr. TRAILL.—Which way was it decided?

Witness.—In the Chancery suit the question was not as to what body was Presbyterian, but as to whether the Rev. Samuel Watson could preach in the Presbyterian Church, because of some clause that was specified in the title deed.

Mr. Justice O'BRIEN.—That would determine the matter to some extent.

1809. Dr. TRAILL.—Which way was it decided?

Witness.—Mr. Watson withdrew when he saw the case was going against him. There was some bequest left, and we got nothing of it.

[Lord Justice Fitzgerald here read a notice of motion heard before Commissioner Hargreaves.]

1810. Dr. TRAILL (to the Rev. Mr. Wilson).—You got half the money, and there was no decision on the legal point!

Witness.—We got half the donations. The Honourable and Rev. Henry Ward ought to have known his own intentions, and, knowing that the schools were for the education of the children, and not for any denominational purpose, he put on the committee two members of my congregation.

1811. Mr. Justice O'BRIEN.—Would your committee be described as "The Presbyterian Congregation of Killinchy, in the County of Down"?

Witness.—I hardly know.

Rev. Mr. Burton.—It would not suit either of them—neither is in Killinchy.

Witness.—The one is the Presbyterian congregation in connection with the General Assembly, and the other is the Presbyterian congregation of Killinchy in connection with the Remonstrant Synod of Ulster. Seeing that we are half of the Presbyterian congregation; seeing that we have contributed in the past very largely to the keeping up of the schools—indeed more largely than the other Presbyterian congregation; and seeing that we have a certain number of children—35—attending this school, I do think it is only right and just that we should claim a seat on the governing body. In granting us this you would not be violating the intention of the Honourable and Rev. Henry Ward, who put on two names.

1812. Professor DOUGHERTY.—Allow me to call your attention to the clauses dealing with the qualification of subscribers, and the subscribers may elect one representative governor—not being less than ten in number. There is no religious test on subscribers or governors elected by them.

Witness.—That is not what I want.

Dr. TRAILL.—He wants direct representation.

1813. Professor DOUGHERTY.—Were these members of your congregation in the Rev. Henry Ward's time put on the committee to represent your congregation?

Rev. Mr. Wilson.—Yes; to manage the school.

1814. Lord Justice Fitzgerald.—The point Mr. Wilson makes is very important. The words of the fundamental regulations are that the committee should

consist of members of the Established Church and members of the Presbyterian Congregation in equal numbers. I think I saw something about "congregations."

Dr. TRAILL.—That was a forgery; we discovered that to be a forgery put in, in different handwriting, afterwards.

Mr. Craig, q.c.—At the time of the split the Presbyterian minister who was in the church Mr. Moore's now in took the side of the question now represented by this gentleman. He was put out of the church in Killinchy, and he resigned his seat on the committee of the school, which was an admission that he gave up the congregation which entitled him to be on that board. Another gentleman, who took the same theological view as Mr. Moore now represents, succeeded Mr. Watson.

Professor Todd-Martin.—My impression is that some gentlemen were appointed on the committee by parishioners of Mr. Ward's, not tramping upon the Presbyterian representation at all.

Rev. Mr. Burton.—I beg your pardon, that is not the case. The gentleman appointed after the split was one of the three Presbyterians.

Witness.—One of the committee is Mr. Samuel Morrow, a member of the Reformed Presbyterian Church. I do not object to Mr. Morrow being elected a member of committee, but he belongs to a congregation that is very nearly extinct—a very small congregation indeed; and if the Reformed Presbyterian Church can be represented on that committee, if the Presbyterian Church in connection with the General Assembly can also be represented on that committee, why should not the Remonstrant Presbyterian congregation, the influential congregation, and the congregation which was represented during the lifetime of the Honourable and Rev. Henry Ward, be represented on that committee?

1815. Professor DOUGHERTY.—We had some evidence to the effect that Mr. Morrow was elected a member of this committee when he was a member of the Presbyterian congregation, and that his family still belonged to the Presbyterian congregation.

Witness.—There is a member of the Reformed Presbyterian Church on the committee, and there are two members of the Presbyterian Church in connection with the General Assembly—why should there not be a Presbyterian connected with the Remonstrant Synod?

1816. If Mr. Morrow was put on specifically as representing the Presbyterian Church, he can scarcely now be cited as the representative of another body.

Witness.—If you do as I respectfully request, I am sure there will be no more bickerings or disputes on the committee. I do think that I am asking very little indeed when I only ask one representative on that committee, provided that the Reformed Presbyterian congregation has one representative, and also the General Assembly's Presbyterian congregation, one representative.

1817. Would you give a representative to every Presbyterian congregation in the parish of Killinchy?

Witness.—No Presbyterian congregation in the parish of Killinchy has any right to be on that committee. It is only the Presbyterian congregations who subscribe at present to keep up the school, and who have subscribed in the past to the building of the school that ought to be represented on that committee. What business would Ballygowan or Rafferty, four or five miles away, have to be represented on the committee of a school they know nothing about? I have a memorial from my congregation, and I think I have a right to have a representative on the committee with the other Presbyterians who will be represented there. I hope that in framing the Scheme you will be guided by what I am sure will be justice for all parties connected with this matter.

James Gourley examined.

Oct. 27, 1891.

James Gourley.

1818. **Messrs. Meador.**—Whom do you represent?

Witness.—I represent the common sense of the neighbourhood.

1819. **Mrs. Justice O'Brien.**—You exclude the whole present company?

Rev. Mr. Burton.—He lives three miles away from the place.

Witness.—I do; but I was brought up in the neighbourhood.

1820. **Lord Justice FitzGibbon.**—Just give us the common sense.

Witness.—Mr. Burton says there is no evidence that the Presbyterians were churchwardens. My father was a churchwarden of the Presbyterian church. Mr. Burton and Mr. Wilson think Rafferty should not be represented. They speak of it as if it was in the mountains of the moon.

1821. What distance off is Rafferty?

Witness.—The members of the Rafferty Presbyterian church attend this very school.

1822. **Dr. Traill.**—What is the nearest school to you?

Witness.—Derryvey.

Rev. Mr. Burton.—He has to pass by it coming to Killiney.

1823. Under whose management is it?

Witness.—James Gourley—myself.

1824. **Lord Justice FitzGibbon.**—The founder here spoke of the Killiney congregation distinctly, and I suppose there were other congregations at that time.

Witness.—Mr. Wilson is the real Simon Pure—if he turns up his congregational report you will see that his church is the Remonstrant Presbyterian Church of Killiney. He is a Unitarian. Why do these people who call themselves Presbyterians take off the word when they want it off, and put it on again when it suits them? I say that Rafferty should have a voice, being a branch of Killiney Presbyterian Church.

Rev. Mr. Wilson.—In granting licenses Mr. Moore describes his church as the "Presbyterian Church in connection with the General Assembly," and I describe mine as the "Presbyterian Church in connection with the Remonstrant Synod of Ulster."

Lord Justice FitzGibbon.—You are both of you Presbyterians; and it is absolutely necessary to give some other description to prevent confusion—in the one case "in connection with the General Assembly," and in the other case "in connection with the Remonstrant Synod of Ulster."

James Ritchie, Principal of the Boys' School, sworn and examined.

1825. **Lord Justice FitzGibbon.**—Can you tell us the number on the roll of the boys' school?—Fifty-seven.

1826. How many of those are entered as Established Church?—Six.

1827. And how many as Presbyterians?—Thirty-seven.

1828. And how many as Protestant Dissenters?—Fourteen.

1829. **Dr. Traill.**—Are there any Methodists?

Witness.—There are not.

1830. **Professor Duggan.**—How far is Bally-doran School from your schoolhouse?

Witness.—About two miles.

1831. **Lord Justice FitzGibbon.**—Is there no schoolhouse nearer than two miles?

Witness.—No.

Mrs. Agnes Kirkpatrick, sworn and examined.

1832. **Lord Justice FitzGibbon (To Witness).**—You are head mistress of the Killiney School?

Witness.—Yes.

1833. What is the number on your roll—how are they divided?—There are fifty-six Presbyterians, eleven Established Church, and nine Protestant Dissenters.

1834. **Mrs. Justice O'Brien (To Rev. Mr. Wilson).**—Have you a separate school of your own, Mr. Wilson?

Rev. Mr. Wilson.—There is a school about two miles off managed by a member of my congregation.

1835. **Lord Justice FitzGibbon (To Mrs. Kirkpatrick).**—What is your classification?

Mrs. Kirkpatrick.—First of First.

1836 (To Mr. Ritchie).—And what is yours, Mr. Ritchie?—Third of First.

1837. I will ask the three gentlemen who are here to send us up in writing the names of the children of members of their own congregations who are on the roll of Killiney School now.

Rev. Mr. Burton.—How are we to get that?

1838. By copying them from the roll.

Dr. Traill.—It is an open National School. Get it from the teacher's book. The roll is a public document.

Rev. Mr. Burton.—You cannot take a note from it.

1839. **Lord Justice FitzGibbon.**—All I want you to do is to tell us how many children of your own congregation are pupils of the school.

Rev. Mr. Burton.—Since the preliminary inquiries some have gone away that were with Mr. Wilson, and have now gone to Mr. Moore.

1840. I am surprised so many stayed at the school where the managers were fighting.

Rev. Mr. Burton.—I want to draw your attention

to the amount of money contributed by churchmen to this matter. From time to time over £2,000 has been contributed.

1841. **Mrs. Justice O'Brien.**—You say from time to time. From what time to time?

Rev. Mr. Burton.—In the year 1833 Mr. Ward pays for 36 poor children at 1s. 8d. a quarter each.

1842. **Professor Duggan.**—You cannot regard that as a contribution.

Rev. Mr. Burton.—He gave money for that, and also to put in order the building.

1843. **Lord Justice FitzGibbon.**—I thought you were going to give us the contributions from the parishioners and neighbourhood.

Rev. Mr. Burton.—They have paid the whole of the money, with the exception of £60.

Mr. Craig, Q.C.—This gentleman can know nothing of his own knowledge. He has been only six months in the parish.

Rev. Mr. Burton.—And what do you know about it?

Mr. Craig, Q.C. (continuing).—I must ask him to give us some evidence of a local character, because we are prepared to challenge some of the statements he has made. Mr. Ward was receiving a large amount of money from his property, and as the landlord, he gave the money towards the school, which was not an Episcopalian or Presbyterian school, and which he did not intend should be either. The minutes of one of the meetings of the school committee show it was unanimously resolved that those present should proceed forthwith to collect subscriptions; at the same time pledging themselves that the school would be conducted on the most liberal plans and on such principles as would meet with the approbation of the committee in general.

J. GEORGE, 1882.
Mrs. Agnes
Kipstick.

1844. Dr. TRAILL.—How much was subscribed then? Mr. Craig.—There was subscribed at the time £25 15s. for these schools.

1848. Lord Justice FITZGIBBON.—The lists of subscriptions amounts to £309 Irish, against £368 British, currency. The names of the contributors are given and it is very easy to run over them. Lord Dufferin gave £30; Henry Wood, £28; Mr. Peiser, £16; Mr. Hawthorne, £10. And then two of £5, one of £4, four of £2, and about twenty of £1. There is a grant of £54 from the Treasury, and one of £40 from the Kildare-street Society, and also a very large number of subscriptions from 5s. to 2s. 6d.

Mr. Craig.—The list, I think, bears out what your lordship has stated—that the bulk of the money did come from the Episcopate. But £45 was subscribed by Presbyterians—a substantial sum.

Rev. Mr. Burton.—Mr. Orr had maintained the school and kept it in order since he came there.

1848. Professor DOUGLASS.—I thought you said Mr. Orr had been ousted from all control?

Rev. Mr. Burton.—You are making a mistake. I never used the words. Mr. Ledoux said so.

1847. Lord Justice FITZGIBBON.—I think we have now heard all that we can learn about Killinichy. You will kindly send up the statement from the clergyman and gentlemen connected with the Reformed Synod, showing how many of the children attending the school belong to each congregation.

1848. Rev. Mr. Burton.—May I ask a question. I believe it is possible if I am dissatisfied with the arrangement of the Commission to appeal to the Privy Council? Lord Justice FITZGIBBON.—Certainly.

1848. Rev. Mr. Burton.—May I know when I will have that opportunity?

Lord Justice FITZGIBBON.—Yes. As soon as the Scheme is signed by us it is republished by the Lord Lieutenant with a notice that within two months objections can be made, and if you are not satisfied with the Privy Council you have other two months within which you can go either to the House of Commons or the House of Lords.

GLENARM PAROCHIAL SCHOOL.

1850. Rev. Dudley JAMES, Rector of Tickmacreevan, Glenside, said.—This school was built under the Lord Lieutenant. The Rev. Mr. Woolsey, a professor of mine got a grant of £175, and he raised that amount to £350. He also gave a site on the glebe lands, and the premises were vested in five trustees of whom the Rector of the parish was one.

1851. Lord Justice FITZGIBBON.—What do you propose should be done now?

Rev. Mr. JAMES.—I think there should be a scheme prepared to carry out as far as possible the original trust.

1852. We have got a copy of the original deed. It is dated 9th February, 1835.

Rev. Mr. JAMES.—I have been twenty years in the parish, and until last year I had not any idea as to how the school was held. I accidentally came on the deed in the Record Office, in Dublin.

1853. Mr. Justice O'BRIEN.—What is the actual condition of the school at present?

Rev. Mr. JAMES.—The school is efficient and in first-class order. Mr. MacDonald (Lord Antrim's agent) wrote to me that he was entirely ignorant of the deed.

Mr. MacDonald.—It took me entirely by surprise. Mr. Justice O'BRIEN.—The document is very explicit; it is a very good endowment.

1854. Lord Justice FITZGIBBON.—Is this school included in the schedule of the scheme published for the Diocese of Connor—"Tickmacreevan or Glenside"?

Rev. Mr. JAMES.—That is a different building altogether.

1855. That is vested in trustees?

Rev. Mr. JAMES.—It is my property.

Mr. MacDonald.—The parochial school has been during the last thirty years a National School, open to all, and until 1875, when a Roman Catholic school was established, it was the general school of the place. We believe it to be the private property of Lord Antrim. There are three schools in the deed, and I would like to see the document. I believe that one school may be on it and part of another—one and a half schools are on it at all events. I think part of the girls' school may be on this deed, but we have had no time to look it up.

1856. Dr. TRAILL.—Where would the other part be? Mr. MacDonald.—On Lord Antrim's own property, adjoining it.

1857. Mr. Justice O'BRIEN.—How did it come Mr. JAMES, you directly interfered in the matter?

Rev. Mr. JAMES.—I was in perfect ignorance of the deed, and I have certain rights in that trust deed which I have never exercised, and which I wish to exercise.

Mr. MacDonald.—Mr. JAMES was allowed to use the building as a Sunday school until he got another schoolhouse. It was given up voluntarily by him, and I believe he will admit that the schools are properly conducted and in very good order; and the whole contribution has been from Lord Antrim. He keeps up the schools, provides a caretaker and fuel, and a short time ago he gave £15 a year to the male teacher, £10 to the female, and £10 to the infant. He has not given that lately.

1858. Lord Justice FITZGIBBON.—Unfortunately there are hundreds of cases in which property situated as this is has been lost by not taking steps such as Mr. JAMES is proposing to take. I think the best course we can adopt is to ask you to give us suggestions by which we can identify the property and vest it once for all in a body which would hold it for Church purposes. This deed seems to be perfectly clear. It is a case in which no statute of limitation can be introduced. The trusts have been substantially carried out. There is a map of the place.

Mr. MacDonald.—There is no such place now known as Chandler's-row.

1859. You would be able to identify it?

Mr. MacDonald.—I think we should see the original deed, and see how it stands, because we are entirely taken by surprise. I never heard of it until I got a letter from the secretary to the Commission.

1860. After the Commission of 1858 there were a great number of schools built under the Lord Lieutenant's grants which disappeared. We will do nothing now to interfere with the efficiency of the school, but we will do as much as we can to preserve the property.

Rev. Mr. JAMES.—I have got certain rights and I think I should be at liberty to exercise them.

1861. Lord Justice FITZGIBBON.—The trustees are long since dead, and the heir of the last survivor would be the person in whom the estate is vested. That is an unsatisfactory state of affairs.

Dr. TRAILL.—Better vest the property in the Diocesan Trustees.

Mr. MacDonald.—I think we had better find out what the property is. Certainly it has been accepted that these schools were built by the Antrim family.

Dr. TRAILL.—It is certainly clear that they were not. Lord Justice FITZGIBBON.—£175 is supposed to have been advanced by Mr. Woolsey, and he gave a site for the buildings on his glebe land.

1862. Dr. TRAILL.—Is that the old glebe land that was exchanged by Lord Antrim for the new glebe land?

Rev. Mr. JAMES.—No; it is a different place altogether.

1863. Mr. MacDonald.—It is a mile from the

phile. (To Mr. JAMES)—If you expressed what your wishes are about it, Mr. JAMES. I think you have been consulted as to the appointment of teacher?

Rev. Mr. JAMES.—Yes; as a matter of courtesy. For the last ten years I have not been consulted at all.

1864. Mr. MacDonald.—I do not think there has been any appointment during the last ten years.

1865. Dr. TRAILL (to Rev. Mr. JAMES).—Is there any suggestion you would make with regard to arrangements for the future. Nobody would like to destroy a working school.

Rev. Mr. JAMES.—I don't want to disturb it.

1866. Dr. TRAILL.—Have you visited it for religious instruction?

Rev. Mr. JAMES.—I have not.

1867. What are the arrangements about religious instruction?

Mr. MacDonald.—There are no clergymen attending to instruct the children in religious education.

Rev. Mr. JAMES.—I instruct my children once a week in the parochial hall.

1868. Dr. TRAILL.—Do you want access to the school for the purpose of religious instruction now?

Rev. Mr. JAMES.—No, I do not.

1869. Lord Justice FRASER.—(to Mr. MacDonald).—We will have the deed examined and send you a copy with the map so that you may try to identify the premises, and we shall be glad to hear from both of you on the matter. In similar cases we have considered whether we could not form a governing body to hold the property upon trust. We could not put this or any other school into the schedule of the Diocesan Scheme without the consent of the persons at present entitled to it.

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TRINITY INFANT SCHOOL, BELFAST.

1870. Lord Justice FRASER.—(to Very Rev. the Dean of Dromore).—There is a sum of £1,000 that is returned in former reports in connection with this school as being an endowment from Mr. Wilson. You, I believe, were connected with that parish. Can you give any information with reference to that endowment?

The Dean of Dromore (Rev. Theophilus Campbell, D.D., Lurgan).—I built the schoolhouse with money placed in my hands by Miss Sarah Wilson, but as regards the £1,000 of Mr. W. Wilson I have not heard of it before.

1871. Could the money placed in your hands to build the school have been portion of the Wilson Endowment?

The Dean of Dromore.—No. Miss Wilson placed the money in my hands to build the schoolhouse according to my own wishes. I think it was between £400 and £500.

1872. How far back does your connection with the parish go?

The Dean of Dromore.—In 1843 I became Incumbent of Trinity Church, and it was either in 1845 or 1846 that the schoolhouse was built.

1873. How long did you remain there?

The Dean of Dromore.—Until 1863.

1874. And for the period of upwards of twenty years you never heard of that money?

The Dean of Dromore.—I have an impression that Miss Wilson in her will left the sum of £10 to be contributed annually towards the support of that infant school. I don't know exactly how much it was—at present I do not remember. I got from Mr. Wilson every year a sum of money in accordance with the wish expressed in his sister's will; but he gave it to me as from himself, and not as from his sister. I cannot tell what happened after I left.

Rev. John BRISTON.—I received a sum when I was

there as a subscription towards the support of the school from Mr. Robert M. Wilson. It came from his father.

1875. Dr. TRAILL (to Mr. R. J. Clarke).—Do you get that money now, Mr. Clarke?

Rev. Mr. Clarke.—No. I have heard a rumour from the teacher that in days gone by something used to be given to the school. I heard myself that Miss Wilson had left it to the school, but she gave her brother some discretion.

1876. Lord Justice FRASER.—Can you tell us when Miss Wilson died?

The Dean of Dromore.—She died very shortly after she gave me the money.

1877. (To Rev. Mr. BRISTON).—Down to what time did you get the money?

Rev. Mr. BRISTON.—My recollection is very hazy. I was only a year there altogether, but I recollect receiving a subscription towards the school in which he was interested, but I cannot recollect the infant school as distinct from the other.

1878. What was the date of your connection with the parish?

Rev. Mr. BRISTON.—I left in 1866.

1879. You immediately succeeded the Dean?

Rev. Mr. BRISTON.—Yes.

1880. Dr. TRAILL.—Who succeeded you?

Rev. Mr. BRISTON.—Mr. Deacon, and he is dead.

Dr. TRAILL.—If you get a copy of Miss Sarah Wilson's will it would, perhaps, settle the matter.

1881. Lord Justice FRASER.—Would you look for any entry of Miss Sarah Wilson's bequests?

Rev. Mr. Clarke.—There is nothing in the church records except about her death. There is a tablet to her memory.

1882. You can send us a copy of that and any other information you or the Dean may obtain. It will probably turn out that the endowment was a conditional one.

MUCKAMORE ABBEY SCHOOL.

1883. Lord Justice FRASER.—Mr. Thompson has written to us to state that this school is his private property, and that he claims to have the management of it entirely in his own hands. We gave notice of it in consequence of its appearing in the schedules of the former reports, and in order that we might invite any one interested in the school to state any claims upon it. I believe the minister is here.

Rev. Thomas LYLE (Minister of Muckamore Presbyterian Congregation).—So far as my own opinions go, it confirms Mr. Thompson's statement altogether. We have nothing to do with it.

1884. Then it is not an endowment over which we have any jurisdiction?

Rev. Mr. Lyle.—No.

1885. What is the condition of the school at present?

Rev. Mr. Lyle.—It is a very good school.

1886. Going on all right?

Rev. Mr. Lyle.—Yes.

1887. And so far as you understand you have no claim on it as an endowment?

Rev. Mr. Lyle.—No.

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THE LISBURN SCHOOLS.

1888. Lord Justice Fitzgerald.—Mr. Peunden will be able to tell us about these. There appeared in the reports before, three endowments—the Whittle, Coulson, and Rowley Hall—all for three schools in Lisburn, and we were anxious to know how these endowments are secured, how they are applied, and how the schools are carried on.

Rev. Canon Peunden, Lisburn, said.—The Coulson bequest interest has always been paid by the representatives of Mr. Coulson. He was a great damask manufacturer in Lisburn. His representative is Colonel Ward.

1889. What schools get the money?—The three schools, the boys', girls', and infants', get the Coulson bequest; the boys' £3, and each of the others £2 10s.

1890. Do you know how that is secured?—I do not. I have been in the habit of receiving the money since I came to Lisburn.

1891. Who pays it?—Colonel Ward.

1892. The other two are both charitable bequests—to what schools do they go?—The Whittle to the boys' school and girls' school, and the Rowley Hall to the boys' and girls' also.

1893. How are these schools held?—The school-houses are held at will from Sir Richard Wallace at a rent of 1s. They were considered parish schools.

1894. If you are paying the whole rent, would it not be wise to see that the title is secure?—I think it would.

1895. Would it be a good thing to secure them in the diocesan trustees?—I think so.

1896. Take the boys' school—who pays the rent for that?—I pay the rent.

1897. As Incumbent?—As Incumbent, or as Rector.

1898. Have you any trustees associated with yourself so far as you know?—Not exactly trustees. We have a committee.

1899. I am speaking now of the property?—No. I don't think so. There is no trust deed, or rather there are no trustees except the committee.

1900. In that case as far as possession is concerned, you as Incumbent have possession?—Yes.

1901. And you pay the rent?—Yes.

1902. What is the second school?—The female school.

1903. Where is the boys' school?—On the Dublin road in Lisburn.

1904. What quantity of land is connected with it?—There is a house for the schoolmaster, with a small patch in front of it—not half a rood, I suppose.

1905. How much is the rent?—One shilling per year.

1906. Where is the female school?—On the Belfast-road.

1907. What do you pay for it?—One shilling.

1908. You have no deed?—No.

1909. Where is the infant school?—Close to the female school, but not adjoining, on the Belfast road.

1910. What is the quantity of land there?—Very small.

1911. Is there a residence?—A very small residence indeed.

1912. Do you pay a shilling a year for that also?—Yes.

1913. Who is the agent to whom you pay it?—Mr. F. L. Capron.

1914. The estate is likely to be sold?—Not, I think, the town. It may eventually.

1915. Our only object was to try and secure this property, and it is peepier that you should look after it, because it is quite clear that you have no paper title, and if you were served with a notice to quit, you would be turned out unless you would be able to show some title. We will communicate with Mr. Capron, and very probably your wisest course would be to vest the property in the Diocesan Board, so as to preserve the management under the conditions of the scheme.

Rev. J. Moore (Vicar of Christ's Church, Lisburn).—We have heard that Mr. Cudron left £100 to build a schoolhouse in another part of Lisburn, but we do not know anything about the money at present.

Rev. Canon Peunden.—I know nothing about that. The inquiry then concluded.

March 29, 1892.

PUBLIC SITTING—TUESDAY, MARCH 29, 1892.

At the Courthouse, Ballymoney.

Present:—ANTHONY TRAILL, Esq., LL.D., M.D., F.R.C.S., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, FREDERICK REDMOND, B.A., was in attendance.

THE CRAMIE BEQUEST, BALLYMONEY.

1916. Dr. TRAILL.—I shall state in a few words what the position of matters regarding this bequest is. We came to make inquiry to-day as to the views of the various parties in this town in respect of the endowment left by the late James Cramie, by will dated 25th of February, 1871. I have the document here, and from it I give you the following extract:—

"I give the sum of £100 to be expended in premises in the several public schools in Ballymoney as my and trustees or trustees for the time being may think fit."

The trustees lived away from Ballymoney, and at great distances from each other, and they paid the money to four gentlemen representing the various denominations in Ballymoney. I understand the four gentlemen are Thomas McElerry, William James Megaw, James Cramie, and Andrew Doherty. For various reasons no payment was ever made, and the

total amount is now over £300. One of the dissenters, who is not a trustee, brought the matter before the Commissioners of Charitable Donations and Bequests, who have requested that the amount should be handed over to that Board with all accumulations thereto. The Managers of the Trust professed that we should inquire into the matter, and deal with this fund by a Scheme. Amongst the correspondence which has taken place regarding the bequest, there is a letter from the Rev. Father Farrelly, F.R., of Ballymoney. Writing on the 15th of June, 1891, he stated in reply to a letter of the 9th of that month, that he would suggest that the money should be divided amongst those schools only that were in existence at the time of Mr. Cramie's death. He said his reason for suggesting that course was that lapse of time had in no way changed the spirit of the will, and that since Mr. Cramie's death other schools

had come into existence. A letter was sent to Mr. Gorman by the gentlemen at present acting as trustees for this bequest on July 16th, 1891, as follows:—

"We have received copy of correspondence with regard to the Gorman Bequest. As you are aware the trustees appointed to administer the funds of this charity were selected so as fairly to represent the different religious denominations in town—viz., two Presbyterians, one Protestant Episcopal, and one Roman Catholic. The following particulars as far as we know correctly represent the position of the four schools which we recommended to participate in the distribution of the fund. The Ballymoney Model School has an average attendance of about 230 pupils, and is almost exclusively attended by the children of Presbyterians. The Church-street National School is under the management of the Rector, Rev. T. M. Benson, and is intended specially for the children of Protestant Episcopalians. The average attendance is about eighty pupils, some of whom are Presbyterians. Although this school came into existence since the death of Mr. Gorman, we recommended it to participate in the benefits of his bequest, for the reason that the children attending it are taken from the class whom it was the testator's intention to benefit, and because that it also represents the denomination to which the late Mr. Gorman himself belonged. The Wesley-place National School is under the management of the local Wesleyan Minister and is specially intended for the benefit of the poorer children in town. The average attendance at present is about forty. We are informed that although this school is under the management of the Wesleyan Minister, there is only one child of that denomination at this time in attendance, the rest being Presbyterians. The Castle-street National School is under the management of the Parish Priest, and as far

as we can ascertain, has an average attendance of about 150. The pupils are entirely children of Roman Catholic parents. We are aware of the small amount of money at our disposal, and are anxious to dispose of it to as much advantage as possible."

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Rev. Mr. Farrelly, P.P.—Whose letter are you reading?

Dr. TRAILL.—It is signed by Mr. M'Elderry, Mr. Megaw, and Mr. Cochrane. (Continuing to read).—

"This is the reason why we wish the streams of interest now due to be added to the principal sum so as to increase the interest for the future. In our opinion a fair way to settle the matter would be, if the Commissioners of Endowed Schools would, when in this locality, hold an inquiry, hear the views of the different parties interested, and then make such a recommendation as would be in accordance with the wishes of the testator, and most for the benefit of those for whom the bequest was intended."

That was dated 10th of July, 1891, and the answer of the Commissioners of Charitable Donations and Bequests was—

"That the writers be informed that the present opinion of the Board is that those schools only, which were in existence at the time of testator's death, are entitled to share in the benefits of his bequest for pious, but that pending further consideration of the case, Messrs. Cranston and Greer be requested to have lodged to the account of the Commissioners the amount of the original bequest £100, and also all interest which has accrued or accumulated upon it."

They seem anxious to get hold of the money. You can now open up the case.

1917. Mr. Greer (Solicitor for the Trustees of the Bequest).—The trustees to the will were James Moore, Dulocholla, County Down; Alexander Murray, then of Chester, but now living in London; Dr. Wm. Moore, 17, Fifeville-square, Dublin; and Captain James Sinclair Cranston; Colonel Murray was a brother-in-law of the testator. The original trustees were living—one in Belfast, one in England, and one in Dublin, while Captain Cranston was not in the country at the time the testator died, and it was thought that a trust of this kind should be managed by local persons. The trustees of the will went into the matter fully, and they decided to appoint trustees or managers to represent the numerical strength of each party in Ballymoney, Andrew Doherty, Thomas M'Elderry, Wm. James Megaw, and James Cranston, junior, my late partner, were appointed. That was done by deed dated 14th of February, 1873. The trustees were appointed according to the will to deal with £500, being this £100 we are now inquiring into, and another £100 given as a bequest to the poor of the town. With the latter we have nothing to do at present. In a letter from the Commissioners of Charitable Donations and Bequests on the 15th of May, 1891, reference is made to both requests. Referring to the bequest for schools which it was remarked had not been administered, and which from non-application, had considerably increased in amount, the present view of the Board was to allow the principal to continue as it was then, and that all parties should be at liberty to forward their views as to the future application of the Charity. The Board expressed the hope that eventually they would be able to frame a Scheme which would be satisfactory to all parties. That was written on the 15th of May, 1891, and it was in answer to that letter that the two communications already read were sent. The Commissioners requested us to lodge the money in their hands, which we were left to do, and then we thought we would ask you to attend here to frame a Scheme for the educational portion of the bequest. Mr. Cranston died in April, 1875, and the interest on the £100 for the poor was applied from time to time, but the interest of this other amount was never applied, for a reason which I will tell you. The trustees of the will thought they should have some document by way of voucher, on handing over the money to the Local Trustees, and this was prepared. The money is invested in

an equitable mortgage of certain head rents in the Main-street of this town.

1918. Dr. TRAILL.—That is the present investment?

Mr. Greer.—Yes; it was made by the local trustees. There are two houses held under fee-farm grants from Lord Antrim, and the head rents are £1 14s. 3d. They are held in perpetuity, and one is let at £5 12s., and the other at £5 11s. 6d., so that there is a good margin. It is a well secured annual income, and you have the security of two good houses in Main-street, the principal street of the town. I am satisfied it is an excellent investment.

1919. What interest do you get for the £500 which you have invested there?—As I stated the head rent is £1 14s. 3d., and the poor-rates are £0 11s. 8d. The ground rents received are £6 12s. and £5 11s. 6d., making a total of £12 3s. 6d., and deducting the head rent and the poor-rates you have a balance of £9 17s. 1d., which is practically 5 per cent. Mr. Cranston left £100 to be expended in premiums in the several public schools in Ballymoney as his trustees or trustees for the time being might think fit, and another £100 to be distributed amongst the poor of Ballymoney. I say that the money was not to be paid over, but that it was to be invested, and annual payments made from time to time. There has been no money paid as yet out of the interest on this educational bequest of £100.

1920. What is the total amount now to the credit of the educational endowment?

Mr. Greer.—There is the £100 principal and the interest.

Mr. Thomas M'Elderry.—There is £70 of interest and then the interest on that—some £35 5s. 9d. There is a little over £300.

Mr. Greer.—This accumulated interest is invested in the name of Mr. Doherty and Mr. M'Elderry. I may as well state regarding the original trustees that Mr. Doherty represented the Roman Catholic Church, Mr. M'Elderry and Mr. Megaw the Presbyterians, and Mr. Cranston the Irish Church. On the 7th of March, 1889, a meeting of the Committee was held, when it was proposed by Mr. Thomas M'Elderry, seconded by Mr. John Megaw, and resolved:—"That Mr. John S. Cochrane be appointed a trustee in the room of the late James Cranston." T. M'Elderry reported that the sum of £100 for each fund, in all £200, had been invested in the security of the chief rents of

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property in Ballymoney. The interest in connection with the poor fund has been paid up till May, 1888, and has been distributed by the members of Committee. With regard to the School Fund Mr. T. M'Elderry reported that in addition to the principal sum of £100 there has been invested the sum of £75 in Government Stock and Savings Bank in the names of Andrew Doherty and Thomas M'Elderry. It was moved by Andrew Doherty, seconded by William J. Megaw, and resolved:—"That the following four National Schools participate equally from any benefits to be derived from the funds—the Model School, Seymour-street, the Castle-street School, and Church-street School." Moved by Mr. Megaw, seconded by Mr. M'Elderry, that a payment of £9 10s. be made to each school every 1st November, commencing on 1st November, 1889.

1921. Dr. TRAILL.—What is the £35 5s. 9d.?

Mr. Green.—That is the cash that has accumulated since in the Post Office; I have the book here showing it. There was another meeting of Committee held on the 6th November, 1889, and at that meeting it was resolved that the opinion of counsel to be selected by me should be taken as to whether the trustees of the Will of the late James Cranvie were justified in investing these two sums of £100 each rather than paying them over. That was because the Rev. Mr. Farrelly, now present, wanted to have his share of the £100 paid to the Roman Catholics. Would it ought not to be paid, that the words did not sanction such an application.

Rev. Mr. Farrelly, P.P. (Ballymoney).—That is an erroneous statement. I never made such a statement to you in your life.

Dr. TRAILL.—We will hear you afterwards.

Rev. Mr. Farrelly.—But I do not want to let that pass.

Mr. Green.—It was resolved to take the opinion of Counsel. One question was:—

"Were the trustees of the will legally entitled to invest the above two sums of £100 each, or were they bound to pay them away within one year after the death of Mr. Cranvie?" Mr. Walker replied:—

His answer was:—

"I think they are entitled to invest this £200 as they see fit. The words 'for the time being' pointed to a continuing application of premiums or rather donations to be given from time to time to encourage learning."

Then there was a further meeting of committee held on the 7th of July, 1890, when the following resolution was proposed by Mr. M'Elderry, seconded by Mr. Cookman, and passed unanimously:—

"That inasmuch as a difficulty has arisen in administering the bequests of the late James Cranvie, Esq. of £100 for premiums to the public schools of Ballymoney, three of us considering that it should be paid as provided by our resolution of the 7th of March, 1889, and one of us that the corpus should be handed over to the four different schools, we hereby resolve that the Commissioners be requested to advise us what would be the proper course under the circumstances to adopt, and that we shall for the future carry out whatever course the Commissioners may suggest."

The Commissioners in reply said:—"Send us up the money," and we suspected the friendliness of that. We are therefore here now for the purpose of having a scheme formed in connection with the bequest. I will now examine some witnesses.

Thomas M'Elderry sworn, examined by Mr. Green.

1922. You are one of the trustees?—Yes.

1923. And you were present at these various meetings?—Yes.

1924. And these were the resolutions passed?—Yes.

1925. You have heard me state how the money is invested?—Yes.

1926. And that was quite correct?—Yes.

1927. Dr. TRAILL.—The premiums were never given? Witness.—We never could agree how it could be done; we would rather have had unanimity but could not get that.

1928. Professor DOUGHERTY.—Could you tell us some of the proposals that were made?

Witness.—They are mentioned in the minutes; to divide the interest among different schools.

1929. Mr. Green.—How many schools were there at the time of Mr. Cranvie's death?

Witness.—Three—the Model School, the Roman Catholic School, and the Methodist School.

1930. Have you an approximate return from the Model School?—I have the return from the National Board for 1873 and 1891. The total in 1873 was 329—that was the average attendance—and in 1891 it was 237. There were on the roll for 1873, Roman Catholics 15; Episcopal Protestants 67; Presbyterians 380; other denominations 12, making a total on the roll of 464. That was for 1873. In 1891 there were 3 Roman Catholics; 35 Episcopal Protestants; 352 Presbyterians, and 5 of other denominations, making a total of 394 on the roll.

1931. Do you know what the average attendance in the Methodist School was in 1873?—No, I have no information about that.

Rev. Mr. Farrelly, P.P.—I do not think we have the books of 1873, but the returns could be got from the Board.

1932. Mr. Green.—There were just these schools at Mr. Cranvie's death?

Witness.—Yes.

1933. And now there are three?—Yes, the school in connexion with the Rev. Mr. Benson's Church, and then there is a school in Milltown, part of the town.

It is under the patronage of Mr. Hamilton. The teacher is a Presbyterian, and it is a Presbyterian National School.

1934. Professor DOUGHERTY.—Can you give us the average attendance of any of those schools?—I got a return from the teacher to-day of the Milltown School, and the average attendance for 1890 and 1891 was a little over 36.

1935. Dr. TRAILL.—What is their denomination?—They are if not all Presbyterians, almost all; there are very few who are not.

1936. Mr. Green.—Should the interest of this bequest be added to the corpus?—Yes, I think it should.

1937. It would increase the amount?—The interest on the £100 is a small thing, but by adding it the interest would be better worth dividing.

1938. Dr. TRAILL.—How do you think it should be distributed?

Witness.—That is just the difficulty.

1939. Mr. Green.—You were considering an equitable arrangement, and I would like you to give us your advice?

Witness.—I think the equitable way would be to divide the income in proportion to the attendance at the schools, and let it be appropriated for premiums as we thought best.

1940. That in that it should be divided amongst the pupils who attended for examination?—Yes.

1941. Professor DOUGHERTY.—You would include all the schools?—Yes.

1942. If another school were started next year, would you include it?—I don't think I would, if there was no necessity for it.

1943. If some of the existing schools are discontinued and others take their place, what are you to do?—I think it would be better to distribute it amongst existing National Schools in the future.

Mr. Green.—The testator wanted it divided amongst the several public schools in Ballymoney.

1944. Dr. TRAILL.—If you extend it to the schools now in existence, then I do not see how you can keep it from others in future.

Mr. Greer.—There are two points in the proposal—one is that it should be on the average attendance, and not on the number of pupils on the roll—I think it would be better to give it to the children who pass their examination.

1945. Dr. TRAILL.—Do you think there should be a special examination for those, or that they should be given to the pupils having the highest marks on the Inspector's report?—I spoke at one time to the District Inspector and Head Inspector, and they were quite willing to give us the results of the examinations.

1946. Professor DOUGHERTY.—If the trustees wish to retain the management of the funds in their own hands, could they not simply hand over the premiums to the Manager of each school and let him distribute them from time to time as he thought fit?—Yes.

Mr. Greer.—That point was considered by the trustees and they felt the grant was thrown upon them to distribute the premiums, and that they would not be carrying out the terms of the trust if they gave them to the Managers of the schools.

1947. Professor DOUGHERTY.—I want to know what the trustees wish.

1948. Dr. TRAILL.—Do they think there should be no competition between schools in the matter?

Witness.—Some of us would have gone into competition amongst all the schools, but Mr. Deherby objected to that, as he said the Model School would have the advantage.

Mr. Greer.—And there is nothing in the Will providing that that should be the case.

Dr. TRAILL.—And public opinion would be rather in favour of each school getting its own prize.

Witness.—Our idea was to get the names of those entitled to the prizes handed over to us.

1949. Professor DOUGHERTY.—In other words you wish to retain the giving of the prizes in your own hands?—Yes.

1950. Will a distribution of that kind be of any practical advantage in the town of Ballymacoy?—

Well, up to a few years ago the National Board gave a small sum for premiums in the Model School.

1951. If you had an arrangement for giving the whole sum annually to the best boy in any school in Ballymacoy to assist him in obtaining an intermediate or technical education don't you think this would be better than frittering it away in very small sums amongst the pupils of the various schools?—I would not object to that; I think that would do very well, but I don't know what the others would think.

1952. You never discussed that?—There was a discussion upon it, but it ended in nothing.

1953. Dr. TRAILL.—If we frame a Scheme we will create a Corporate Governing Body and provide for your successors. What are your ideas about the composition of the Governing Body?

Witness.—I was thinking over that and I think the proportion on the Board should not be the representation as it is at present. I do not think the representation at present is fair.

1954. Professor DOUGHERTY.—You think the Presbyterians do not get justice?—They are about three-fourths of the population, and I think the Presbyterians are entitled to three.

1955. And you think the money should remain under local management rather than go into the hands of a board in Dublin?—Certainly.

1956. Dr. TRAILL.—If you have three Presbyterians, how many others would you have?—One Episcopalian and one Roman Catholic.

Rev. Robert Kneafce (Methodist).—I think the denomination which has spent so much money here on education should not be forgotten.

1957. Dr. TRAILL.—Out of a population of 5,049 in Ballymacoy Township there are eight Methodists. You think they ought to be represented?

Rev. Mr. Kneafce.—We have spent a large sum of money on education here.

Dr. TRAILL.—We have found that to be the case throughout Ireland.

Cross-examined by Mr. Leach (counsel for the Rev. Mr. Benson).

1958. How long have you been trustee?—From shortly after Mr. Cranvie's death.

1959. Do you remember a collection made for a school in Mr. Cranvie's lifetime?—Yes.

1960. Do you remember how much Mr. Cranvie gave to that school?—No.

1961. Dr. TRAILL.—Is that the Rev. Mr. Benson's school?

Witness.—Yes.

1962. Professor DOUGHERTY.—How much was realized by the sale of the old premises?

Witness.—£375.

1963. Dr. TRAILL.—And what became of that £375?

Mr. Leach.—It was applied to the erection of a new school.

1964. Dr. TRAILL.—Was it in existence at the time of Mr. Cranvie?

Witness.—Yes.

1965. Mr. Leach.—That school was closed for a time, and Mr. Cranvie was the principal subscriber to it?—Oh, I know he was always a very liberal man.

1966. Therefore, the new school was in contemplation at the time he made this will?—There is another thing about the Erasmus Smith School. We were never fairly treated, because Erasmus Smith was a Dissenter. I think the Model School is the worst managed school in the loc. It has the smallest number of teachers, but produces remarkably good results. The teachers are not up to the number at all, and they are not in a better condition than in other schools.

1967. Professor DOUGHERTY.—Are there any complaints about that?—Yes; we made representations to the Board, but we never got anything done. The attendance at the Model School is as large as ever.

Mr. Greer.—The Model School holds its own as regards the number of pupils.

1968. Professor DOUGHERTY.—Do you know if Mr. Cranvie took any interest in the Model School?

Witness.—After a long and hard fight he got the Model School and the Agricultural School started here, and up to the latest he took a great interest in the Model School.

1969. Dr. TRAILL.—Is the Agricultural School attached to the Model School?

Witness.—It was, but it is defunct now.

Mr. Greer.—Mr. Cranvie always attended the examinations?—He always did.

1970. Mr. Leach.—Is the Model School not a public school?—Yes.

1971. Rev. Robert Kneafce.—Do you not think that the intention of the donor of this money was to encourage existing schools, irrespective of what denominations they belonged to?

Witness.—I think so.

1972. It was to encourage the existing schools and education, irrespective of Protestant, Roman Catholic, or anything else?—I think so.

1973. If that is carried out we will all be satisfied?—Up to the time that that report was put in by us there was no Methodist clergyman in Ballymacoy.

Rev. Mr. Kneafce.—There was a Methodist school of which the Methodist minister was manager from 1863, and it was maintained at considerable expense by the Methodist body, and that school was not diminished until other schools were started.

1974. You were one of the appointed trustees?—Yes.

1975. You have taken an active part in the consideration of this question?—Yes—since 1863.

March 28, 1892

J. R. Coghlan.

J. S. Coghlan sworn, examined by Mr. Leach.

1876. By whom was it proposed, by whom was it seconded, and at whose instance did you come to the conclusion that the money should be expended on the existing schools?—I think it was proposed by Mr. Doherty and seconded by Mr. Magaw.

1877. So that there was practical unanimity?—Yes, it was unanimously resolved that the four schools should participate in the distribution of the interest.

1878. Professor DOUGHERTY.—Was this before the Milltown School was established?—It was, I think, before the 7th of March, 1889. It was moved by Mr. Doherty, seconded by Mr. Magaw, and resolved that the following schools should participate equally from the fund:—Model School, Seymour-street School (Methodists), Cadogan-street School (Roman Catholics), and Church-street School (Episcopalian Protestants).

1879. That they should participate equally?—Yes.

1880. I do not see much equality in that. On what grounds do you form the opinion that the money should be equally divided?—The money was bequeathed to assist the poor schools.

1881. Professor DOUGHERTY.—There is not a word about that.

Mr. Leach.—He does not say that; he says the money is to be expended in premiums in the several public schools in Ballymoney as his trustees may think fit.

1882. Dr. TRAILL.—He left it to the discretion of his trustees?—Yes.

1883. Professor DOUGHERTY.—Do you agree that the distribution of premiums should be made by the trustees?—Yes.

1884. And not by the managers of the schools?—You might as well appoint them as trustees.

1885. And you will take the results examination of the National Board as the test?—I propose to distribute the money equally and to the best scholars in the schools.

1886. Would you take the results examination in each of the National schools?—Yes.

1887. Mr. Leach.—Did you know the late Mr. Cramsie?—Yes, but not intimately.

1888. You knew he took a deep interest in schools?—Yes.

1889. Dr. TRAILL.—But he did not intend to exclude his own denomination?—

Witness.—No.

Cross-examined by Mr. Greer.

1890. Do you remember the meeting at which this resolution was come to?—Yes.

1891. Was there not a little bit of friction between the trustees and managers at the time this resolution was passed?—

Dr. TRAILL.—I think he said the resolution was unanimous.

1892. Mr. Greer (to witness).—Yes, but was it not because one of the trustees wanted that £75 paid away, and the other trustees wanted to add it to capital?—Yes.

And that resolution was arrived at to satisfy all parties.

1893. Professor DOUGHERTY.—Has there ever been any suggestion to distribute the corpus?

Witness.—I think Mr. Doherty would have liked that, but the others were opposed to it.

1894. Mr. Daniel Dempsey (to witness).—Do you

say that Mr. Cramsie was a generous contributor to Catholic charities?—Yes.

Mr. Leach (referring to Mr. Dempsey).—Is he a school-teacher?

1895. Mr. Dempsey.—I am a resident in Ballymoney. (To witness).—Do you think the trustees have done their duty in not doing anything for nineteen or twenty years?

Professor DOUGHERTY.—You are not bound to eradicate yourself.

William James Meyers was called and said.—I could not add anything to what Mr. McElderry has stated.

1896. Professor DOUGHERTY.—You agree with the proposal to retain the endowment in the hands of the trustees?—Yes.

1897. And the division of it amongst the existing schools?—Yes.

Rev. Mr. Farrelly, P.P., sworn and examined.

1898. Dr. TRAILL.—Is there any view you would like to put before the Commission regarding this fund: how long have you been in Ballymoney?—My arrival in Ballymoney was in 1887. Shortly after that the teacher of the Methodist School paid me a visit one day, and asked me if I was aware that there was an amount left by Mr. Cramsie, some eighteen or nineteen years ago, to the schools and for the poor in Ballymoney, and I said "I am not aware of it at all; I know nothing about it." I said it was a wonder my predecessor did not take any action in the matter. He said that there were trustees in the town, that Mr. Doherty was one, and Mr. McElderry another. The other names I do not remember, as I was not long here at the time. I went to Mr. Doherty and asked him was there any truth in this statement, and he told me that there was some money left by Mr. Cramsie, and that he believed he was a trustee. "What is your trust," I said, and he said he did not know. Said I "Did you really sign a document to become trustee without knowing what was in it?" He said "I must confess I did." I said "Where is the will for this thing that was got at?" "The will is in Mr. Greer's hands." "Yes," says I, "Did you ever see a copy of this trust of £100 for schools, and £100 for the poor?" "No," said he, "nor do I know how it is to be administered." I said I was sorry he was in

such ignorance of the trust. I afterwards got from the courts in Dublin a copy of these bequests, and I saw that £100 was left to the public schools to be distributed in premiums as the executors or trustees thought fit. Having seen this, I went to Mr. Doherty and said "Here is your obligation," and I showed him what was stated in the will. Mr. Cramsie died in 1873, and probate was taken out a year or two following, and I said "This money is going on since that period, the executors thought fit to give this money over to you four Ballymoney men, so that you might know the schools better, and the poor of the locality better, and that you in your judgment might give this money to the proper parties." Now in all bequests, when a man makes his will and leaves money he has generally one or two objects in view—the one to benefit the poor, the other to benefit his own soul—therefore his will should be carried out. Mr. Greer was the solicitor.—

1899. And he has told you how this money to the poor was being paid out all the time.

Witness.—I asked what had been done with the money for the schools; had it been given out. I asked had it been in the hands of Mr. Greer for the eighteen years, or had he invested the money. He said he did not know, but that Mr. Greer could be spoken to and that matters could be put right. Having

Rev. Mr.
Farrelly, P.P.

had this conversation, I thought the better thing would be to write to the Commissioners of Charitable Donations and Bequests. I often wrote communicated with Mr. Greer. Subsequently, Mr. Greer spoke to me about getting counsel's advice, and I asked, in reply, what would they get counsel's advice for on a matter as plain; what will be the use of doing out the money; that was never the intention of the testator. That money was to be given out after they had taken out the probate.

2009. Do you mean that the principal should be paid out?—Yes, and also the principal sum for the poor.

2000. How would that be consistent with the words of the will, "for the time being"?—I state that the executors should have distributed the money and not the four trustees afterwards appointed. I read "for the time being," that as soon as they could settle the will, that then, on the first opportunity, they should hand this money over to the public schools, and the money for the poor in the same way.

Professor DOUGHERTY.—As that will be submitted to the Judicial Commissioners as a question of law, we need hardly waste time here discussing the meaning of these words.

Witness.—The paper sent to Mr. Walker for his advice was read to me by Mr. Greer, and I did not approve of it. I said to Mr. Greer "Do you know what I think of that? You do not want Mr. Walker to give an opinion, but you want to get a view which would suit the present trustees, if such could be given."

2002. Dr. TRAILL.—What are your views about the distribution of this money; by your letter you evidently think that the Rev. Mr. Benson's School should not be included because it was not in existence at that time?

Witness.—I was told by all the people that there were only three public schools in Ballymoney at that time.

2003. It was an Erasmus Smith School?

Witness.—It was a vested school.

2004. It was a Church School under Church management and has now been reposed by another Church School under Mr. Benson's management.

Witness.—The public here did not acknowledge it in the sense of being a public school. Mr. McKerrry made a statement about the average attendance at the Model School. The numbers of Catholics are very small. The numbers of pupils at present on the rolls of our schools are 233.

2005. Mr. Greer.—What is the average attendance?

Witness.—I cannot tell, but I will get it and send it in.

2006. Dr. TRAILL.—It is a National School?

Witness.—Yes; there are three schools—boys, girls, and infants.

2007. As regards the Board that we will incorporate, have you any idea as to how it should be composed, and how the premiums should be distributed—that is the interest from the fund?—Some people think that money is the great object, whose books and clothes and other things would be as comparable; but after the money was given to the managers of the schools they might themselves decide whether it should be given in books or prizes of any sort. That I think should be left to their discretion.

2008. Professor DOUGHERTY.—I understand that the trustees want to have the distribution of the prizes in their own hands; you think that when the result

is ascertained a certain sum should be handed to each manager to be distributed by him in whatever way he thinks proper?—The manager is the best judge of what the children need.

2009. That is as far as you wish to go in interfering with the discretion of the trustees?—That is all.

2010. Dr. TRAILL.—Would you be satisfied with the report of the National School Inspector as to which of the children in your school should get the premiums?—I would not think that would be a test at all, because there might be some excellent boys who did not come up to a certain point. There might be a boy at school who would make more advancement than a cleverer boy because he had worked more. As to the boys at school I would like to hear the mind of the teacher who daily heard their lessons. He would leave the matter to the teacher safeguarded by the manager.

2011. Then you would not wish the inspector's report to have anything to do with it?—I would allow him to pass the children in the usual way, but if you start from that, the manager can select the best boys.

2012. Would it satisfy you if there were submitted along with the inspector's report, a recommendation from the teacher and manager, the trustees being allowed in the end to exercise their own discretion?—That would be very fair; I see no objection to that at all, and I think the proper children would be got at. The interest on the bequest accumulated from 1879 until the time it was invested.

Mr. THOMAS McKERRRY.—Mr. Greer repeatedly offered me the cheque for this money. He gave me the cheque at one time for the amount, but as we never could agree on the matter I gave it back to him. He says it was the only cheque he ever got returned to him, but when it came to 1883 he said he would hold it no longer and then he gave me £75. I went then with Mr. Doherty and invested it.

2013. Professor DOUGHERTY (to Mr. Fanelly).—Are you in favour of the distribution of the interest, or would you distribute the whole sum once for all?

Witness.—Certainly, that is the will of the testator. My reading of Mr. Cramble's Will is that when he died that £100 should have been distributed then and there. Now, if it has accumulated to £200 through the neglect of the trustees, still it is the same fund and should follow the same law.

Professor DOUGHERTY.—I was anxious to know what your ideas on that point were; all the gentlemen who have spoken seemed against distributing the whole sum.

2014. Dr. TRAILL.—You may put that idea of distributing the whole sum out of your head; when the testator said it was to be distributed by his trustees "for the time being," he never intended to give it all away in one year.

Witness.—Is that your reading of it?—Well, you may be right.

2015. Professor DOUGHERTY.—Do you think that all the existing public schools in Ballymoney should be included in the distribution under this Will?—I should say not; I would say the schools in existence at the time of his death.

Professor DOUGHERTY.—I think that Erasmus Smith's School was desirous for a number of years.

Mr. Greer.—So it was.

Cross-examined by Mr. Greer.

2016. I think your contention all along was that this £100 should be divided into four sums?—No.

Dr. TRAILL.—It should be into three sums, he says.

2017. Mr. Greer.—That would be a third to the Methodists, a third to the Presbyterians, and a third to the Roman Catholics?

Witness.—Yes; the three public schools should get a proportion.

2018. That the three public schools should get an

equal proportion of the £100. Now, suppose the trustees handed £35 to the Roman Catholics, how would you apply it?—The manager of the school would best know his own people and be able to state whether clothes or money or other articles might be of more service to the children. If the trustees failed in carrying out the trust that was placed with them and the court took it up, it might arrive at some other conclusion.

2019. Professor DOUGHERTY.—You propose that

1864-65, 1865-66.

Rev. Mr.
Farrelly, &c.

this money should be divided into three equal parts for the three schools which existed at the time of Mr. Cranse's death.

Witness.—Mr. Cranse was a lawyer himself, we must remember.

2020. But he never stated how the money should be divided amongst the schools; he left the trustees the most ample power in that matter, and we must

remember that the attendance in the Methodist School has fallen off to some thirty children.—Oh, I would not divide the money in equal parts.

2021. Then practically you agree with the trustees that the proper test is the average attendance at the various schools?—Yes. There are a good many objections of one kind and another, but that seems to be the proper test.

Rev. T. M. BAXTER, Rector of Ballymoney, sworn, and examined by Mr. Leach.

Rev. T. M.
Baxter.

2022. You are manager of the Church-street School?—Yes; it is a National school.

2023. A public school?—Yes; it has been under the National Board ever since it was a school—that was since January, 1862.

2024. How many pupils have you on the roll and what is the average attendance?—I could not give you the exact number on the roll, but the average attendance is about eighty at present. I will forward the average attendance for the last five years.

2025. Do you know how the funds were raised for the building of that school?—Not of my own personal knowledge. The Erasmus Smith School was erected for several years; I cannot say how many. It was closed because of a dispute between one of my predecessors and the Board of the Erasmus Smith's Schools. It was the only school in Ballymoney for many years, and one of the trustees, Mr. Andrew Doherty, was educated at it.

2026. How were the funds raised?—Partly by sale of the old school and compensation. We got £300, and the rest was made up by public subscription, a bazaar, &c.

2027. Dr. TRAILL.—How much did the school cost you?

Witness.—£800, and we have spent £200 in enlarging it and £120 in internal fittings. It has cost us nearly £1,100.

2028. Mr. Leach.—Was the school in contemplation during Mr. Cranse's life?—It was, and Mr. Cranse was the largest subscriber to it. He gave £100. I have the subscription list here [produced]. So far as I know he was the largest contributor.

2029. How do you think the money should be paid to the school?—I believe the object of the testator was to establish a continuous fund for the schools. The existing trustees have fairly distributed the money left to the poor, and I am ready to leave myself in their hands as regards the school.

2030. Do you think the returns as to the premiums should be from the teacher and manager?—No, because I believe the examination by the National Board's Inspector are better.

2031. There are several matters to be taken into account at the examination, such as attendance?—Yes.

2032. Is your school likely to be permanent?—Yes; there are more schools here at present than are likely to be required. I fancy they will resolve

themselves into three, but as long as there are four they should all thrive.

2033. Professor DOUGHERTY.—Which are the two schools that are likely to become one school?

Witness.—Milltown School and Wesley-place School. 2034. Do you mean to say that so long as they exist under the National Board the Schools should share in this fund?—Certainly; I think Wesley-place School should participate in it. I think all the existing schools should share in the fund. It was the public schools of the town of Ballymoney that the testator wanted to benefit. As to the constitution of the new Board I do not know whether anything has been submitted to you.

2035. Dr. TRAILL.—Mr. McElderry suggested three Presbyterian, one Episcopalian, and one Roman Catholic!

Witness.—The testator was an Episcopalian, and if we have only one Episcopalian on the Board we shall be satisfied.

2036. Professor DOUGHERTY.—You heard me put the question to Mr. McElderry, as to the possibility of afflicting this money for an exhibition in connection with the National Schools here, by which the boy or girl who obtained the highest marks, would have the advantage of getting intermediate or technical education?

Witness.—I do not think that would be falling in with the view of the testator, besides that would practically go to the Model School children, as the pupils of the other schools would not be able to compete so well.

2037. Mr. Thomas McElderry.—Mr. Baxter stated that the Erasmus Smith School was at one time the only public school in Ballymoney. There were other schools in existence. I was schooled here and it was not at the Erasmus Smith School. (To Witness).—At the time Mr. Cranse gave that £100 as a donation to the Church-street School, was it then known that it would be converted into a National School?—There was no expression as to the kind of school that was to be there; it was simply to be a schoolhouse.

2038. Mr. Greer.—Did you know whether it was to be a school at all?—There is not a line as to that in any of the church books. In 1875 the subscription was being raised.

2039. In 1873, Mr. Cranse had given a subscription to it, and there was no school started here for a number of years?—No, none.

Rev. ROBERT KNOWLES (Methodist), sworn and examined.

Rev. Robert
Knowles.

2040. Dr. TRAILL.—Can you give us some statistics about your school?—I have the average attendance. In the year 1873, it was 48, and in the year 1891 it is 35. The pupils on the roll are 67. Several schools which have come into existence have diminished the attendance.

2041. Have you any prospect of an increase in the numbers?—It is looking up, and we have expended a considerable sum on the property. Of course the school gets the supplemental grant from our funds.

2042. We know that over Ireland the Methodist Church is one of the greatest educational bodies in the country; do you think you can keep up a permanent school for Methodist children in Ballymoney?—It was not put into existence merely for Methodist children; it was for all denominations. The report for last year says:—"On the roll sixty-seven, average attendance thirty-three, Methodists eight. The major portions of the children are Presbyterians." We have very few Episcopalians.

2043. It is practically a Presbyterian school! It is largely that. Since 1873 we have paid £374 to teachers, and we have also built a teacher's residence during the past three years.

2044. Did you get a loan from the National Commissioners for that?—Yes, we got a loan.

2045. Professor DOUGHERTY.—Milltown School is dear to your school than any other?—Yes.

2046. Has it affected the attendance in your school?—It has to some extent.

2047. Mr. GREER.—Does the money you have expended include the premiums?—Yes.

2048. Where is that got from?—From our funds.

2049. Do you know that in addition to that, there has been money raised in the locality?—Yes.

2050. Do you know that the master used in the past to get subscriptions from all denominations to give in premiums?—Possibly he did, but I have no account of that.

2051. Dr. TRAILL.—What do you think about the managers of the schools being on the Board of Governors?

Witness.—Yes, I think ministers, for the time being managers, should be Governors.

2052. Professor DOUGHERTY.—How would you do with the Model School, would you leave it unrepresented?

Witness.—No, the District Inspector is virtually the manager of the school. I have no objection to it being represented.

2053. Dr. TRAILL.—As it is really a Presbyterian school, Mr. McElerry and Mr. Megaw might be considered as representing it.

Witness.—As to the largest, I think the donor had before him schools that were not in existence—he says in his Will the several public schools in Ballymacree.

2054. Professor DOUGHERTY.—You have no objection to all the schools?—No.

2055. And what do you think would be a fair way of distributing the money?—I think it only fair that the four denominations represented in the community should be represented on this Board.

2056. Dr. TRAILL.—And your claim for representation is not on account of the Methodist population, but on account of the work you have done?—Yes, and are doing.

2057. Professor DOUGHERTY.—And how many would you give the Presbyterians?

Rev. Thomas A. Thompson (Presbyterian).—There are three schools in the Model School.

Witness.—I would recognize it only as one.

2058. Professor DOUGHERTY.—And you would give a school with an average attendance of 30, the same representation as a school with 200?

Witness.—I would in this case.

2059. Mr. GREER.—Do you consider your school a Methodist or Presbyterian school?—I say it is a Methodist school.

Rev. T. A. Thompson.—I have been told the children are not taught in my scriptural programme.

2060. Rev. Mr. DILL (Presbyterian).—You do not permit the Presbyterian children to be taught in the school?—We do not allow it.

2061. Rev. Mr. Thompson.—May we examine them in our scriptural programme?—By all means the scriptural programme. I referred solely to the catechism.

2062. Rev. Mr. Benson (Rector of Ballymacree).—In my school I allow a Presbyterian minister to teach the catechism.

Witness.—We do not ignore the catechism, but we do not teach it in the presence of other children who object.

2063. Rev. Mr. Thompson.—Your teacher told me that the children are not taught in the scripture laid down in our programme for this year.

Witness.—You may examine them from the programme if you like. We have no objection that any minister should come in and examine his children at the proper time.

2064. Rev. Mr. Benson.—Mr. Knowles has told us very fairly that the body he represents has spent a great deal of money on the building of their school. Mr. Farrelly's people have done the same thing, and we have done the same thing. What have the Presbyterians done? and yet they ask to have three Presbyterians on the board.

Dr. TRAILL.—They have the Model School at their hand.

Mr. Thomas McElerry.—From the first day that I remember, the Presbyterians always subscribed liberally in connexion with the schools of the town.

Mr. GREER.—Independent of that, they intend these different schools to benefit by this Scheme. The Presbyterians, no matter what schools they want to, would benefit more than the others would do, and we think they should get a representation in keeping with their numbers in the town. We would object very strongly to the managers of the different schools as we do not think it would work well. We think some representative laymen in the town would be far better. We would rather have laymen.

2065. Professor DOUGHERTY.—Would you take the present board?

Mr. GREER.—Although it is an excellent board I think you should bring in another. A board of four would not be satisfactory, but I think a board of five would.

2066. How would you fill up vacancies?

Mr. GREER.—I would say that any vacancies in the Presbyterian representation should be filled by members of the Presbyterian churches, including the Reformed Presbyterian Church; there are three Presbyterian congregations, and one congregation of Covenanters.

Rev. Mr. DILL.—We think the three Presbyterian congregations should join together with the Reformed Presbyterians who are a large body in town. The Episcopalia could be elected in whatever way Mr. Benson would suggest.

Rev. Mr. Benson.—As I am a patron and manager, I object to that altogether.

Professor DOUGHERTY.—Having regard to the intentions of the testator, I think we might continue to maintain this board as a lay board.

THOMAS B. HAMILTON, sworn and examined.

2067. Mr. GREER.—When was the Milltown school started?—About three years ago.

2068. What is the average attendance?—About thirty-six. The average attendance for 1890 was thirty-six, and for 1891 it was thirty-six. There are between fifty and sixty on the roll.

2069. Professor DOUGHERTY.—Have you a trained teacher?—Yes, 2nd of first.

2070. Dr. TRAILL.—Are you the manager of the school?—I am; it is out at the end of the town, away from the Model School, and we get the children at a

teacher age. The parents object to send them up through the streets. THOMAS B. HAMILTON.

2071. Dr. TRAILL.—It is really an infantschool?—Yes.

2072. Professor DOUGHERTY.—You thought that Presbyterians should educate their own children?—Yes.

2073. And you do not wish to interfere with any other school?—No.

2074. Dr. TRAILL.—Is that the poorest locality in Ballymacree?—Yes, and even the clothing of the children prevents them from coming up the town.

March 26, 1892.

Thomas B.
Hartigan.

2075. Professor DOUGHERTY.—Did you hear Father Farrelly say that the returns of the National School examiner would not be fair, and that they should be accompanied by recommendations from the manager and the teacher upon the conduct and work of the children during the year?—I would feel disposed to take the report of the National School Inspector.

2076. Are there any matters that those reports do not entirely cover?—I would go by the reports of the Inspectors altogether.

2077. Is there any form that the distribution of the Endowment should take?—I would leave that in the hands of the managers of the schools.

2078. Dr. TRAILL.—That is, whether the premises would be in money, books, or clothes?—Yes.

2079. But you would not allow the managers to select the children?—No.

2080. Professor DOUGHERTY.—Are you in favour of the board being composed of the managers of the schools, and of them alone?—No, but you must have the different denominations represented.

2081. Dr. TRAILL.—What proportion should the different denominations have?—That depends on the numbers.

2082. Do you think it makes any difference what the numbers are when there is no discretion left to them; as long as each denomination is represented would it make any difference to the Presbyterians whether there were one, three, five, or ten?—We'll not much; you must have a reasonably large number to secure public confidence.

2083. Would you take the original board?—I would not object to that.

Rev. THOMAS A. THOMPSON, sworn and examined.

Rev. Thomas
A. Thompson.

2084. Professor DOUGHERTY.—I think you have some suggestions to make as to the formation of the board?—If you appoint the managers of the schools as a board of management, I hold that the Presbyterian Ministers of the General Assembly in Ballymoney should be appointed on that board to represent the Model School.

2085. Why should the representation of the Model School be confined to Presbyterians?—Because the children attending it are almost all Presbyterians.

2086. Would you prefer a board with three Presbyterians representing the Model Schools rather than Mr. Cranne's trustees, to administer this fund?—No, certainly not.

2087. You are quite satisfied with that body?—I am quite satisfied with that body.

2088. Dr. TRAILL.—How do you propose to

provide for their successors?—The Presbyterian ministers could be *ex-officio*.

2089. In the case of those ministers you think they should be *ex-officio*?—In the cases of the Church of Ireland, Methodist, and Roman Catholic Schools, the ministers would continue to be managers.

2090. Then you have no Presbyterian minister as manager of a National School in Ballymoney?—No, I think the Presbyterian body has attended very fairly to the interests of education. This Methodist School was established long before I came. I did not give direct attention to the matter.

2091. Professor DOUGHERTY.—The Methodist denomination sending here a teacher at considerable expense seems a rather unusual arrangement?—I quite agree with you.

Rev. J. B. ANNONS (Presbyterian), Ballymoney, sworn and examined.

Rev. J. B.
Annons.

2092. The only thing I want to say regarding the composition of the board is, that I would prefer a stronger membership of laymen. I would think as far as representation goes, that there should be a fair proportion of members, and I would be very much inclined to say that the sections should jointly meet to select members to fill the vacancies. In respect to Presbyterians not taking an interest in this business I am afraid there is a little misunderstanding. The truth of the matter is that the Model School was put there chiefly through Mr. Cranne. It was thought all the parties believed in united education. These schools which have arisen have been established so far against that principle. Presbyterians have always held by the system of united education, and we do not like to do anything that would interfere with it. We say that it has served a good purpose and should be maintained.

2093. Dr. TRAILL.—Are there any Church of Ireland children in the Model School now?

Rev. Mr. ANNONS.—We have about thirty there at the present time.

2094. Mr. LEACH.—Do these Presbyterians in the Model School include Reformed Presbyterians?—Yes.

Rev. Mr. ANNONS.—There is practical unanimity as to the composition of the board as it exists at present. I am perfectly satisfied with it as Mr. Hamilton is, and as I believe Mr. Knowles is.

2095. Dr. TRAILL.—As long as it is left a lay board, as at present, you are quite satisfied?—Yes.

Rev. Mr. ANNONS.—I think my church should be represented.

2096. Dr. TRAILL.—Have you any person whom you could select for a governor?

Rev. Mr. ANNONS.—I have no person selected as a representative, but I can select a Methodist representative.

Mr. GREER.—Some one in the town.

2097. Rev. Mr. ANNONS.—Is that necessary?

Mr. GREER.—It would be absurd to have the trustee from a distance.

2098. Dr. TRAILL.—If Mr. KNOWLES gives us the name of a Methodist layman we might add another Presbyterian to balance him. (To Mr. McGAR).—Do you want to give evidence?

Mr. WILLIAM JAMES MCGAR.—No.

Rev. Mr. FARRELLY, *res.*—With regard to the formation of the Board I do not see that a lay board can have the same knowledge of the schools as the managers would have. Mr. GREER spoke in favour of a lay board and all the rest chimed in with him. I would not like a lay board to manage this fund again as it has been managed up to this.

2099. Dr. TRAILL.—But if we decided to have a lay board incorporated it would probably work much better in the future.

Rev. Mr. FARRELLY.—That would cut out clerical management altogether; but I do not see why clerical gentlemen should not be appointed.

Mr. GREER.—Let the parish priest for the time being nominate a lay representative.

The inquiry then concluded.

INQUIRY—THURSDAY, JUNE 23, 1892.

June 23, 1892.

At the Office, 23, Nassau Street.

Present:—The Right Honorable Mr. Justice O'BRIEN, Judicial Commissioner; and the Right Rev. GERALD MOLLOY, D.D., D.S.C., ANTHONY TRALL, LL.D., M.D., F.T.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Secretary, N. D. MURPHY, M.A., and the Assistant Secretary, F. REMOND, B.A., were in attendance.

THE JEFFERS ENDOWMENT, TRALEE.

The Most Rev. Dr. Coffey, Catholic Bishop of Kerry, was in attendance. He produced a copy of the will.

3100. Mr. Justice O'BRIEN read the following extract from the will.

"I wish then (the Executors) to have as full control in the management of my property as I have myself. I desire the residue of my property of every nature and kind to fund and maintain a perpetual charity, the object of which shall be to give good education to boys natives of Tralee or its immediate neighbourhood, children of the working and labouring classes, and not of gentility or of persons born or belonging to a higher class, whose talents and qualities may afford reasonable hopes of their rising in life if they are well educated, and to forward them in life in college professions, mercantile, agricultural, scientific, or commercial pursuits, so that by the Blessing of God, the foundation I desire to establish may be a perpetual means of enabling poor youths of Tralee and its neighbourhood to rise from poverty and obscurity to positions of wealth, utility, and distinction, thus securing good Christians, good citizens, and useful members of society, who may do credit to their country and benefit their fellow men. I empower and direct my trustees, as soon as they conveniently can after my decease, to have a scheme carefully prepared embodying the details of the management and carrying out of my wishes in this respect, having regard to my estate and the amount of property then available, and thereafter to become available for same. I desire that in any such scheme the first and principal object shall be the instruction of the boys in the Catholic faith, as taught by the Holy Roman Catholic Church; the second, the giving to the boys a sound and complete English education, comprising especially composition, correct and public speaking, geography, a thorough knowledge of the best writers in the English tongue, Aristotelian in all its branches, Geometry, Natural Philosophy, Book-keeping, Geo., but not till they are thoroughly instructed in the foregoing subjects, French and German, and last of all Latin and Greek. . . . I direct that the learning of Latin and Greek shall not be commenced by any boy until he shall first have acquired a thorough knowledge of the English, French, and German, and the sciences and subjects above enumerated. I also direct that a Gymnasium and a Swimming Bath, to be at all times properly and suitably heated, be kept for the use of the boys. I desire that they should learn to use their faculties of mind and powers of body in the best possible manner. I empower my trustees to carry out such scheme and plan as they may consider best for taking the college or institution I desire to found perpetual, never ceasing or departing from the principles I have laid down as to the class from which the boys are to be selected, and as to the course of instruction to be pursued, viz., that a complete English education should be given before any classics are taught. I enjoin my trustees, and all those who hereafter shall be in their place, to take especial care that in selecting boys from the poor schools of the parish, or from their own houses or elsewhere, they shall be persons who from natural ability and intelligence afford the most reasonable expectations of being likely to take advantage of the benefits of a superior education, and I hope and enjoin that no favoritism in the selecting of the boys will exist."

Most Rev. Dr. Coffey.—Then the selection is left to the trustees.

Mr. Justice O'BRIEN.—There is the strong point of giving this to the Catholic faith.

Professor DOUGHERTY.—It has always been said that this is un denominational.

Mr. Justice O'BRIEN.—It was assumed always that it was for general instruction of persons without any reference to denomination.

Most Rev. Dr. Coffey.—That was the case, and hence I wrote to Mr. Murphy. My anxiety was to give every facility for utilizing the Endowment if a scheme could be agreed upon, so as to make it applicable just now.

Professor DOUGHERTY.—The scheme must be of a denominational character.

Mr. Justice O'BRIEN (reading from the will).—

"I desire that the power of appointing a trustee or trustees of my will, when same shall be necessary, shall vest in and belong to the Roman Catholic Bishop of Kerry for the time being."

3101. Monsignor MOLLOY.—We never saw this will before.

Most Rev. Dr. Coffey.—You said you would not like to receive the will except when your colleagues were present. I would be very glad if the Commissioners would go and force Mr. Neilgan (the Judge) to give me this available sum of £303 a year, which is over and above all charges upon the estate, so as to subsidize my school; he is the other trustee with me.

3102. He is a Catholic!

Most Rev. Dr. Coffey.—He is a Catholic. I must tell you the history of the case. In the year 1687 I approached Mr. Neilgan. I said, "Seeing the statements of accounts you have furnished the Bishop of Kerry and myself as parish priest of Tralee, there is a great lot of this money available, over and above all charges." Here is evidence of that (referring to documents).

3103. Mr. Justice O'BRIEN.—More than sufficient to pay the annuity to Mrs. Jeffers!

Most Rev. Dr. Coffey.—More than sufficient to pay all existing obligations to the Jeffers' family.

3104. Monsignor MOLLOY.—That is stated in your own letter to us very clearly. Mr. Jeffers left a large sum, the present value of which is about £16,000.

Most Rev. Dr. Coffey.—It is over £20,000 now. 3105. Of this the sum of £11,508 is set apart to secure an annuity for Mrs. Jeffers during her life.

Most Rev. Dr. Coffey.—At present that sum is £13,000 or so.

Monsignor MOLLOY.—The rest of the capital is invested in various securities, and the yearly interest accruing therefrom is applied by the trustees to the accumulation of the capital, to be utilized only on the death of Mrs. Jeffers.

3106. Mr. Justice O'BRIEN.—Is the whole property applicable to her annuity?

Most Rev. Dr. Coffey.—I think the will states that.

June 22, 1902.

2107. **Monsieur MOLLOY.**—By whose authority is the interest on the £7,000 accumulated and not utilized at present for educational purposes?

Mr. Justice O'BRIEN.—If the money is on demand we could surrender from year to year without directions from anybody, automatically, as you call it.

2108. **Monsieur MOLLOY.**—His Lordship stated, in his letter to us, that this money is only to be utilized on the death of Mrs. Jeffers; I want to know by whose authority has that been settled?

Most Rev. Dr. Coffey.—I could not say that; I only state the fact.

2109. Is it by the voluntary action of the trustees?

Most Rev. Dr. Coffey.—It is a voluntary action of Mr. Neligan, not of mine.

2110. **Mr. Justice O'BRIEN.**—It must be under the settlement. This lady was the daughter of the secretary of the Great Southern and Western Railway Company, and probably it was entirely of stock. It is not otherwise shown in the will, except that he gives her £300 and that she is otherwise provided for, so that, in all probability, it is merely the stock alone that is settled.

Most Rev. Dr. Coffey.—The "Statement and Particulars" contains evidence of the way in which the other profit accumulations were doubled. There is this sum of £1,000.

2111. **Mr. Neligan** has bought £1,000 worth of Preferred Stock out of the accumulations of interest, and that produces £40 a year as it stands now, and, of course, there are further accumulations going on.

Most Rev. Dr. Coffey.—This £300 is in a form of accumulation too.

2112. You want him to give you that money directly?

Most Rev. Dr. Coffey.—Year by year. To give me the yearly accumulation instead of utilizing it to purchase additional stock, and thereby increasing the sum total of the fund disposable on the Jeffers' foundation when Mrs. Jeffers will die. I want Mr. Neligan to utilize that surplus as a yearly subsidy to my school, I undertaking to give an education suitable to all the requirements of the will. I have an Intermediate School, with three masters, and I purpose having more than three masters, if I get possession of this £300 a year. I have sketched a plan of education which will comply with all the requirements of Jeffers' will.

2113. Has Mr. Neligan taken any legal advice?

Most Rev. Dr. Coffey.—I approached Mr. Neligan, asking him to enable me to further my project by giving me this yearly surplus, and he said to draw up a scheme, and that he would submit it to Mr. Jellott, *q.c.* I accordingly drew up a statement, which I have here, and here is Mr. Jellott's reply.

Mr. Justice O'BRIEN read the reply, which ran:—

"In my opinion, the Scheme proposed by the Dean of Kerry is calculated to defeat the objects of the Charity, as defined by the testator's will. The object of that Charity was to promote the education of the meritorious sons of the working and labouring classes, natives of Tralee, or its neighbourhood. The trustees are by the Will directed to have a scheme prepared, embodying the details of management of the Charity, having regard to his estate and the amount of property then available, or thereafter to become available for the same."

I infer that some of the bequests given by the will have failed so as to augment the residue?

Most Rev. Dr. Coffey.—They have failed—some of them. They are marked down there as well as any rate.

Mr. Justice O'BRIEN (resuming reading):—

"The first duty of the trustees in carrying out the directions of the Will, must be to provide a schoolhouse with a gymnasium and swimming-bath."

Most Rev. Dr. Coffey.—That is not stated as a necessary measure—I mean the swimming bath. The only thing he says that will be necessary, will be the

principle of getting boys into the school who will be likely to benefit by the education given in it.

Mr. Justice O'BRIEN.—It is merely a recommendation.

Mr. Justice O'BRIEN (resuming the reading):—

"And as it is, so say the least, doubtful whether the design of the testator was not to establish the Charity as a boarding school, probably also dormitories, dining-rooms, etc. The capital now available for this purpose, including a charge on Wren's estate, which I presume, in the present condition of this country cannot be raised, amounts to something less than £5,500."

Most Rev. Dr. Coffey.—That is not true, for this reason: that Wren's estate is bringing in a something.

Mr. Justice O'BRIEN.—He takes that exclusive altogether of the stock available for the payment of Mrs. Jeffers' jointure. (Continuing the reading.)

"It is plain that after a house has been provided, fulfilling the conditions of the testator's Will, little or nothing would remain for the payment of masters, and the necessary maintenance of the establishment, and that the institution would have to be supported by a system of capitation fees, and the necessary interest should fall into possession, by which time the paying pupils would have acquired such a position as the institution as completely to overshadow the poorer class for whom benefit the charity was founded, and thus defeat the design of the testator."

The second question was whether the trustees, having regard to the terms and directions contained in the will of testator, would be perfectly safe in carrying out the scheme of the Dean of Kerry. The answer read:—

"In my opinion, they would not be so. The question whether the institution should be founded as a day-school or a boarding school inasmuch as the trustees should not assume the responsibility of determining, without a judicial decision on the subject."

The third question was whether the trustees can obtain the protection of the High Court of Justice in starting a school upon a scheme to be approved by the Court, and so as to relieve the trustees from all personal liability in adopting and carrying out such an approved scheme. Cannot answered:—

"The trustees can obtain the decision of a judge in the Chancery Division (either by an intervention at the relation of the parties, or a petition under Roskill's action on the subject mentioned in my answer to the last query, but I think the judge would direct the settlement of the scheme to stand over, having regard to the present position of the funds available for the foundation of the charity."

The next question is:—

"You are requested to give your full advice and general directions in the matter for the guidance of the trustees? The answer:—My advice would be that the trustees should endeavor to ascertain the probable cost of a school-house, provided with the requisites before-mentioned, and make, if it be possible Wren's mortgage, to continue the accumulations of interest, until a fund shall be formed sufficient, with the existing capital, to provide the necessary buildings and leave a surplus sufficient for the maintenance of the school for the benefit of the poor scholars, even though their number be few. To prevent a petition under Roskill's Act, when the funds have reached this stage for the settlement of a scheme, proposing the introduction of a limited number of pupils selected by ballot, and paying capitation fees, and providing for the organization of the free pupils when the reversionary interest charged with Mrs. Jeffers' jointure fell into possession. This proposal would then, in all probability, be adopted, with some modifications, or at least might form the basis of a scheme, which would be sanctioned by the court."

The Most Rev. Dr. Coffey.—I got a letter from Mr. Neligan about Mr. Jellott's opinion. His letter stated:—

"I enclose copy of case laid before Mr. Jellott, and of his opinion, which speak for themselves. Should the Bishop (Mr. Higgins) offer any further opinion, there will be no difficulty in discussing a conference between Mr. Jellott and any other leading member of the bar. There is plenty of money to pay for it, if Mr. Jellott's opinion is not thought satisfactory."

When the Educational Endowments Commission was going about the country, and, as I thought, likely to get possession of funds available for higher education, and inasmuch as I saw the Protestants of Tralee in public meeting assembled putting forward a memorial, which I think is in the report of the Commission, I thought I would be very desirous in my duty towards my people and to their wants in the way of higher education, if I did not forward a memorial also. So I wrote to the Educational Endowments Commission, giving all facts in connection with Tralee as to primary education, and its needs in the way of higher education. I called the attention of the Commissioners to my correspondence with Mr. Neligan, and to the scheme which, I suggested, would meet all the educational requirements directed and expressly laid down by Mr. Jeffers in his will. I also forwarded Mr. Jeffers's opinion upon my scheme for utilizing the available yearly surplus—extracts from which have been just read by Judge O'Brien. It is not every person of the class in whose interests Mr. Jeffers made his will, that has a right to send his child to this school. The boys, in the first place, must be eligible by the Trustees. To prevent anything in the shape of petty local interests in the way of securing admissions to the school, I adopted the principle of competitive examination as the sole and only means through which pupils were to get admission. In this way, I thought to secure the best and most promising boys from the parish—the very class of pupils, to whom Mr. Jeffers in his will directed the benefits of his foundation to be solely applicable. In accordance with this view, I drew up a list of subjects in which this entrance competitive examination should be held—you have the whole plan and scheme embodied in this document.

2114. Mr. Justice O'BRIEN.—I do not see any contradiction at all to the scheme of Mr. Jeffers in this scheme proposed by Dr. Coffey?

Most Rev. Dr. Coffey.—Mr. Jeffers says it is subversive of the whole thing.

2115. The nature of the schools your lordship referred to might be one that would not carry out the trust to the children of the working classes under a competitive examination.

Most Rev. Dr. Coffey.—The only difficulty about it is that, I think, the qualifying examination which I proposed is a little too high, because we should get boys about twelve years of age.

2116. You are entrusted with full power by the will of determining of the fitness of these children. You can adopt any test you like. I think it is a reasonably made selection.

2117. Professor DOUGHERTY.—The only question is whether the will does not restrict the competition to a particular class of children.

Mr. Justice O'BRIEN.—He himself appears to restrict it to that class also.

2118. Professor DOUGHERTY.—I should say that the will distinctly points to a system of competition such as Dr. Coffey suggests.

Most Rev. Dr. Coffey.—It is not everybody that is supposed to enter into the school, but the Trustees have the right to appoint who will be in the school, and I propose to elevate the tone and the teaching of all the primary schools of the parish.

Mr. Justice O'BRIEN.—This system is distinct from favoritism of any kind. It is a rational examination of a very high class.

2119. Professor DOUGHERTY.—Your lordship does not propose to restrict competition to any particular class of the boys? It is thrown open to all the boys attending schools in Tralee.

Most Rev. Dr. Coffey.—All the boys of the poor schools—of the primary schools of the parish—the Christian Brothers' boys, and the boys of the National Schools of the Parish of Tralee. I did nothing further in the case until I became Bishop, and I determined

to establish a school of which there is a great want in Tralee. I took a house at a very high rent to supply this want. I showed Mr. Neligan what I had done, and he said, "I will put myself into communication with Mr. Whyte and Mr. Jellott and let them have a joint consideration of your project." Mr. Neligan invited me to write this letter which he desired me to send to Mr. Barrington, the solicitor of the Jeffers Trust—

"Sometimes since Mr. J. C. Neligan informed me that the fruits of nearly £10,000 could be available by giving partial effect to Mr. Jeffers's wishes as directed by his will, and he forwarded me your letter of February 1st last, in which I am invited to attempt to write my views as to how the country school, in a limited way, be set in motion, so as to benefit even a few of the recipients for whom the testator intended to make provision. In March, 1887, I had correspondence with Mr. Neligan, in which I endeavored to show how the scheme and plan of school which I proposed establishing, and for which I solicited aid in securing aid from the Jeffers' Trust Fund, would in every way meet the intentions and wishes of the testator. I proposed to start with giving gratuitous education to thirty boys taken from the classes whose benefit the foundation was intended, and inasmuch as there was special provision in the will that nomination to, and permission to enter there and receive its advantages, was specially vested in the Trustees, I required as a necessary condition that a competitive examination, to be held in August each year amongst all the schools of the parish, town and country, should be the basis of such nomination in each case. I conjectured that this was an essential to every act of Mr. Jeffers's wishes—

Mr. Justice O'BRIEN.—They are all poor schools of course—National Schools and Christian Brothers' Schools.

Most Rev. Dr. Coffey (continuing reading).—

who wished that the benefits of his foundation should be enjoyed solely by boys of promise, and who in other respects was likely to turn to such advantage the educational facilities which the foundation would afford. This project appeared to commend itself to me, not only as a mode of selecting best material for the school, but furthermore would be beneficial in more ways than one, and especially as it would be sure to excite a laudable emulation in all the schools, and thus secure better and more careful attention to subjects taught in the primary schools of the parish. For a fuller expression of my views on this matter I beg to call attention to a case stated and argued for Mr. Jeffers's opinion, which I presume you must have before you, as you make allusion to his decision in your letter of February 1st, 1887, to Mr. Neligan. In it you will have words of Mr. Jeffers's will, which I made, and plan and scheme of school which I proposed establishing, and I now again respectfully request reconsideration of the same. The sum of Tralee is admirably supplied with primary schools, and within the past three years, since I made my application for subsidy from the Jeffers' Trusts amounted to, an outlay of some £7,000 has been made, securing beautiful structures that afford the highest facility for everything connected with primary education. In the way of higher education—preparing boys for the Intermediate or Royal University or giving education of even a limited kind in the curriculum marked out and specified by Mr. Jeffers in his will—the town is at a dead loss. The decision of Mr. Jeffers on the case submitted to him made no provision, and I consequently abandoned what I was convinced was a necessity, and a crying necessity for the town and parish. Some few months since, however, I thought it a duty to my people to establish some school of higher studies, and at great expense I secured a very suitable house in the best street in Tralee—Henry-street. It is in every way, both in situation and accommodation admirably suited for school higher studies, and, to my mind, furnishes opportunity of uniting the intended recipients of the Jeffers' foundation to become participants even to a limited number of the benefits intended by the testator. I beg then most respectfully to call attention to my project, and I have strong hope that the reconsideration about to be given to the subject on the joint deliberation of Mr. Jellott and Mr. Whyte, the matter may be realized so as to enable me to get this school established from the fund, on complying with the condition of gratuitous education of the boys taken from the class intended to be benefited by testator, and who are to be selected by competitive examination allowed to, and which has been most fully detailed in plan and scheme already forwarded for Mr. Jellott's opinion."

Jan. 23, 1902.

Here is the joint opinion of Messrs. Whyte and Jellett.

Mr. Justice O'BRIEN read the document as follows:—

"We think Mr. Jeffers intended that his charitable foundation should assume the form of an educational institution to be located in some distinct building, to be erected or adapted for that special purpose. The complete scheme is out of the question, until the reversionary interest falls in on the death of Mr. Jeffers, when a capital sum of over £12,000, at present values, will be available for the foundation of the charity.

Most Rev. Dr. Coffey.—No; but the whole of it—£20,000.

Monsieur MOLLOY.—£12,000 and £8,000 additional.

Mr. Justice O'BRIEN (resuming the reading):—

"The part of the case on which we feel the greatest difficulty is as to the disposition of the present available net income arising from the trust funds in possession. Two courses are open in respect of the application of this fund. Firstly, to accumulate it for the purpose of forming an endowment of the trust fund, and secondly, to permit a petition under Roskill's Act, grounded on the delay that must arise from retaining the income until the reversionary interest falls into possession for its present application to the purposes of education. We are not aware of any case in which a *quære* application has been sustained on the ground of the delay which must arise from suspending the settlement of a scheme until a reversionary interest has fallen into possession. But having regard to the peculiar language of the will in the present case, and the great benefit which would result from the application of the fund so as to the present purposes of education in Tralee, as indicated in the letter of the Bishop of Kerry, it is possible the court might sanction it, provided the income could be applied with effect to the following purposes, and in the following order of application:—

"First, Instruction in the Roman Catholic faith, as a primary object.

"Second, Education in composition and elocution, Geography, Latin, English writers, Arithmetic, Geometry, Natural Philosophy, and Book-keeping.

"Third, French and German.

"Fourth, Classics.

"But we think this course would only be carried out by a scheme under which the Governing Body of the school should be constituted, independent of all existing bodies, and that the court would not sanction the application of the income to supplement the funds of an existing institution, having an independent constitution of its own. Under all the circumstances of the case we advise the petition, with a view of eliciting the opinion of the court without whose sanction they could not safely adopt the proposed change, to present a petition under Roskill's Act, asking for a *quære* application of the present income in the manner suggested.

2120. Dr. TRAILL.—But surely this commission puts aside Roskill and all these people?

Mr. Justice O'BRIEN.—In the view that occurs to me we have no power; it is plain upon the terms of the will. I hope the Lord Justice will bear this notice.

Most Rev. Dr. Coffey.—There is a letter from the Lord Justice here.

Monsieur MOLLOY.—He did not know the facts as we now have them before us.

Mr. Justice O'BRIEN.—He was then apparently under the same impression as I was, that it was denominational. It is as plain as possible that it was not.

Most Rev. Dr. Coffey.—When that joint opinion came from those two gentlemen I threw up the case as hopeless. Mr. Neligan afterwards came to this office.

2121. Dr. TRAILL.—Is it not quite open to you as a court scheme to carry out the scheme of the bishops, without going to Roskill's Act?

Mr. Justice O'BRIEN.—I doubt very much whether you have any authority at all to deal with it as a reversion.

Most Rev. Dr. Coffey.—Mr. Neligan's great objection arises from the fact that he is under the impression that if he does away with this trust until Mrs.

Jeffers dies, there would be some possibility of danger to himself. He intimated to me that the great way to get over his difficulty in connection with the trusteeship was, that if I gave the whole matter into the management of this Commission everything would be all right. He sent me some schemes accordingly. I wrote to him on May 25th, 1890—

"I know that giving the administration of the charity to the Educational Commissioners would settle the difficulty you have, and immediately remove the burden of trusteeship. The charity, however, being exclusively Catholic, would require the written consent of yourself and myself to place it within the power of the Commissioners. I do not, so far as I am personally and officially concerned, see my way to do this, as it may possibly, and very possibly small compromise in the future, and therefore would be wrong. A very great difficulty, to my mind, would be the constitution of the Board of Governors in case the aid of the Educational Endowment Commissioners was called in. The Bishop of Kerry for the time being would, of course, be ex-officio member, and so would some priests. Some would also be lay members, eligible by ex-officio or otherwise. So far as the first Board of Governors would be concerned, everything may be well and look very, but then if a vacancy occurred, members of local bodies would come representatives, and cases would surely turn up to place individuals on the Board who would be more likely than useful, and thus seriously obstructive to settle the institution bear all the fruit that could be expected. As Bishop, I could not consent to a possibility (and perhaps I should say probability) of this kind. I am sure, on reflection you will agree with me yourself."

2122. Dr. TRAILL.—That assumes that a scheme would be made hostile to your views, which would not be the case, the scheme being a consent scheme. It will save expense to Mr. Neligan, and a great deal of trouble, if you give consent.

Mr. Justice O'BRIEN.—I would anticipate a great difficulty, not merely on the ground that it is reversionary interest. I doubt very much whether we have any authority at all to settle the scheme including that fund, but I would have very great difficulty at this attempt of the Commission.

2123. Professor DOUGHERTY.—Might I suggest that we have dealt with cases somewhat similar in Belfast—the Martin Johnson Endowment and the Henry Hugh H. Boyd Endowment. Whether we have the power or not, we have certainly acted as if we had.

Monsieur MOLLOY.—(Reading from Act).—

"Intentional Endowment shall mean any property dedicated to charitable uses, and which has been applied or is applicable, in whole or in part, whether by the declared intention of the founder, or the consent of the governing body, or by custom or otherwise, to educational purposes."

2124. Mr. Justice O'BRIEN.—We would have a right with regard to the portion of the fund not included in this reversionary interest. But what about the reversion?

Monsieur MOLLOY.—It is dedicated to charitable uses.

Mr. Justice O'BRIEN.—Which would come in ten years hence.

2125. Monsieur MOLLOY.—As it is a strictly denominational endowment, we can not deal with it, unless with the consent of Dr. Coffey and Mr. Neligan.

Most Rev. Dr. Coffey.—It would entirely depend upon the constitution of the board. I shall speak of that later on. I gave this matter into the hands of Mr. Dowling, Solicitor, Tralee, whom I directed to draw up a statement again, with a view to approaching another court. All the facts of the case were stated, and its entire history, and it was sent to Mr. Kenny, &c. Here is his opinion.

Mr. Justice O'BRIEN read the opinion:—

"1. Whether the present available income may be applied towards the objects contemplated by the testator without waiting for the falling in of the reversionary interest—I am clearly of opinion, that if an institution in accordance with the testator's design can be now established with the available funds, the trustees are not bound to hold their hands until the reversionary fund falls into possession. The will points very distinctly to a Scheme being settled as soon as conveniently might be after the testator's death 'having

regard to the amount of property then available,' and the interpretation that I place upon those words, is that while the testator realised that his 'available property' would be largely exhausted on the death of Mrs. Jeffery, he was yet anxious that the charity even on a small scale should be established.

2. Whether the suggested Scheme of the Bishop of Kerry is in whole or in part practicable and authorized, having regard to the funds left by testator and the income now available for that purpose; and if not, counsel will please consider and advise how the wishes of the testator can be put into immediate operation?—At the same time, I am of opinion that the language of the will, while entailing the endowment of a small institution, contemplated its being complete of its being kind as the first instance according to the design of the testator and capable of expansion when the reverend fund becomes available. If therefore the design of the testator can definitely be carried out, any employment of the funds to a purpose or for a Scheme not embodying that design in its entirety would in my opinion be at variance with the trusts imposed in the bequest. To apply this conclusion to the Bishop of Kerry's Scheme. He is the owner of desirable premises in Tralee, in which he has established an Intermediate Educational Establishment for paying pupils. To now introduce into this establishment a certain number of free foundation scholars selected as deceased by the testator would not in my opinion at all carry out the design of the charity, but if his intention could be carried out to dedicate those or other premises to the foundation of the Jeffery's charity; and, even in a small way, the physical requirements mentioned in the will; employ two or three masters and select the students by competition as proposed, but at the same time taking care that those who competed were strictly members of the class pointed out by testator and not sons of deceased or distressed gentle folk, I would be of opinion that the receipt of fees from a limited number of paying scholars would not defeat the testator's object. The charity would be there and would overshadow everything else. The free boys would not be placed in the somewhat unpleasant position which they would occupy if they were introduced into a School where other boys paid. They would be on their own ground and the others would I may say be scholars for the benefit they were obtaining. Therefore as the Bishop's Scheme would I could not advise that it comes within the trust. At the same time I do not share the doubt which Sergeant Jeffery apparently entertains, namely that possibly the testator contemplated a boarding school as distinct from a day school.

3. Whether the sanction or protection of the court would be necessary in carrying out any such Scheme; whether by petition under *Horsey's Act*, grounded on the delay that must arise until the reverend interest falls in, and the benefits that would accrue by an application of the fund at present available or otherwise?—Unless the bishop can see his way to establish the charity upon the footing of an independent institution, such as I have pointed out, I would not recommend him or his co-trustee to employ the funds to any modification of scheme unless with the approval of a Judge of the Chancery Division obtained on petition under *Horsey's Act*.

4. Whether Mr. Jeffery intended that his charitable foundation should take the form of an independent educational establishment, to be located in some distinct building, or whether the present funds of the charity are to be used to supplement the funds of the school already provided by the bishop as suggested by him?—I think I have already replied to this query.

5. Whether it is the legal right of the Bishops of Kerry, to have the trust estate left by the testator vested in the joint names of himself and Mr. Neligan, and whether he is bound to do so for his own protection?—I assume that the Bishop and Mr. Neligan have been formally appointed trustees by deed under the power contained in the will. On that assumption they are trustees not alone of the charity, but of all the trusts of the will, and the Trust Funds should be standing in the names of both.

Most Rev. Dr. Coffey.—Some of the funds are in both our names, but this large reversion is not.

Mr. Justice O'BRIEN (recurring reading).—

"If the fund which was directed to be set apart to produce the £300 a year be also in Mr. Neligan's name, quantum is bound to act jointly with Mr. Neligan in its application, and should see that it also be transferred into the joint names."

3130. Dr. TRAILL.—Whose name was the large fund in?

Most Rev. Dr. Coffey.—In Mr. Neligan's so far as I know. Dr. Moriarty was the original trustee.

Mr. Justice O'BRIEN.—He considers apparently that having those pupils in the same establishment with pupils who pay would not be strictly in accordance with the trust of the will. That would be my own opinion too.

3131. Professor DOUGHERTY.—We have always admitted the view that the admission of paying pupils does not injure, but is often a distinct advantage to the charitable trust.

Most Rev. Dr. Coffey.—The school I established is only eighteen months in existence. It is only creeping in to life up to the present. In accordance with Mr. Kenny's suggestion, I propose to extinguish the school altogether, and to introduce immediately this Jeffery's foundation, and to have it solely and chiefly the Jeffery's foundation. In that, I propose to take paying pupils in accordance with Mr. Kenny's opinion. Will Mr. Neligan come to my aid and say, "Yes; and I will give you this £253 a year?"

Mr. Justice O'BRIEN.—We have no power to direct him at all, my lord.

3132. Messenger MASON.—I think, my lord, we are agreed that you are exempt; but if you and Mr. Neligan wish to ask us for a scheme we can give you one, which will probably get you out of all your difficulties.

Most Rev. Dr. Coffey.—Lord Justice Fitzgerald says the very same thing in a letter which is here.

3133. Dr. TRAILL.—Did you ever go under the form of appointing yourself a trustee under the powers of that will?

Most Rev. Dr. Coffey.—Never; but Mr. Neligan is the person to appoint me, inasmuch as he is the survivor.

3134. Mr. Justice O'BRIEN.—He is a trustee under the will.

Dr. TRAILL.—No; Bishop Moriarty was, but the present bishop has never taken that step.

Most Rev. Dr. Coffey.—Nor any Bishop since. Then the first step I ought to take would be to appoint myself trustee.

Professor DOUGHERTY.—It has been our practice to prepare a scheme and submit it to the trustees and not to require their consent, nor to assume their consent has been given until they are satisfied.

Dr. TRAILL.—Giving your consent is a mere matter of form. Our practice has been never to require your consent until the scheme is in its last stage, and then it is put in the scheme. Until you agree to that and are satisfied with the scheme we will not pass any scheme.

Most Rev. Dr. Coffey.—My difficulty in calling in your services at all, is the constitution of this Board of Governors.

Dr. TRAILL.—We will not force any Board of Governors on you. That is a point for discussion. If you and Mr. Neligan agree to a particular board and we can possibly agree to that board, we will do so.

It was declared by the Commissioners that the Educational Endowments (Ireland) Act, does not apply to the Jeffery's Endowment without the consent of the Governing Body thereof.

APPENDIX B.

DOCUMENTS.

THE ERASMUS SMITH ENDOWMENTS.

See Report, page iv.

No. I. (a).

MEMORANDUM to accompany the DRAFT SCHEME.

Origin and History of the Endowments.

The Endowments originated during the Commonwealth in the gift by Erasmus Smith, an Alderman of the City of London, of the revenues of certain forfeited lands in Ireland which, in consideration of certain payments made by Erasmus Smith, had been assigned to him.

Indenture dated December 1, 1657.

The original instrument of foundation is an Indenture, dated December 1, 1657. It gives to Trustees certain lands (1) to build and maintain five Grammar Schools in which the children of the poor tenants of Erasmus Smith, and the children of such as were poor or lived by their labour should be educated free; (2) to provide out of the remainder of the rents and profits the sum of £10 by the year for four years towards the maintenance of "the University of Trinity College near Dublin," of such of the children of the tenants of Erasmus Smith who should be made fit for the University, and after them of other poor scholars selected by the Trustees, the pupils of the Schools having a preference; and (3) to apply the surplus of the rents and profits, when they should exceed the sum of Three Hundred Pounds by the year, to provide and maintain five Schools for teaching, speaking, and reading the English tongue; the yearly salary of each Master or Mistress employed thereon not to exceed £10 sterling.

The pupils of the Schools were to be catechised twice every week, once on some week day, and also every Lord's day, in the Catechism published by the Westminster Assembly of Divines, which was to be provided by the Trustees for the children of poor tenants. The Schoolmasters were to pray with the scholars twice every day.

Among the Trustees were several Puritan divines and other clergymen, certain public officials, and four aldermen of the city of Dublin. The Indenture contained a direction to the Trustees to obtain within seven years a licence under the Great Seal of England, or an Act of Parliament, to be a Corporation in perpetual succession, and reserved power to Erasmus Smith and his heirs to re-enter the lands devised, in the event of failure to obtain such licence or Act of Parliament.

Petition to Commissioners under Act of Settlement.

After the Restoration, the Trustees, by a petition to the Commissioners under the Act of Settlement, dated January 28, 1665, prayed for an adjudication of their right and title to the lands granted by Erasmus Smith for charitable uses, and the Commissioners decreed that the Trustees were lawfully entitled to the lands for the several charitable uses expressed in the Indenture.

Letters Patent of November 3, 1667.

Two years subsequently, by Letters Patent, dated November 3, 1667, King Charles the Second granted the lands devised by the Indenture to seven of the

original Trustees, until a Corporation should be established, for the following charitable uses:—

(1) To pay the Governors of Christ's Hospital, London, the annual sum of one hundred pounds.

(2) To apply fifty pounds yearly in maintaining five schools for teaching poor children of both sexes to speak and write English in such places in Ireland as Erasmus Smith should appoint.

(3) To apply one-fourth part of the remainder of the rents and profits derived from the lands in giving poor men's children, as apprentices to Protestant masters in Ireland, and, after the determination of certain leases, in clothing poor children, pupils of the Grammar Schools.

(4) To buy or build three Schoolhouses and Masters' residences, one in or near Galway, and two others in such parts of Ireland as Erasmus Smith should nominate, or as the Trustees should think fit, and to pay to each Schoolmaster appointed by the Trustees a yearly stipend of £60 12s. 4d.

(5) To apply all the residue of the rents and profits in awarding Exhibitions, of not more than £8 in value, to poor students "of the University or College near Dublin" who had been educated in the Schools, or, failing these, to other poor students in the University to be nominated by the Trustees, a preference being given to the children of poor inhabitants of the lands of Erasmus Smith.

It was further provided that upon the establishment of a Corporation to be called by the name of "The Governors of the Schools founded by Erasmus Smith, Esquire," all the lands granted by the Letters Patent should be transferred to the Corporation.

Charter of King Charles the Second.

In March, 1669, King Charles the Second, by Letters Patent, commonly called "The Charter of King Charles the Second," granted upon the petition of the founder, gave Erasmus Smith power to establish three Grammar Schools, one in the town of Drogheda, another in the town of Galway, and a third in the town of Tipperary, which were to be free Schools for twenty poor children, to be named by the Founder or by the Governors, and for all the children of the tenants of Erasmus Smith. The course of instruction in the Schools was to be in writing and counting accounts, and the pupils, so far as they were capable, were to be instructed also in the Latin, Greek, and Hebrew tongues, and were to be fitted for the University if they, their parents, or friends should so desire. The Schoolmasters were to be appointed by Erasmus Smith during his life, and after his death, by the Governors. They were to be approved by the Bishop or Archbishop of the Diocese "if they should willingly embrace the two first orders of the Church of Ireland"; and they were exempted from any visitation but that of the founder during his life, and after his death of the Governors. Under the rules for the management of the schools approved by

the Chapter, the catechism of Archbishop Usher was substituted for the Assembly's Catechism, and the Masters were to make use of it "once every week and each Lord's day" for the purpose of instructing their scholars.

The Charter also incorporated a Governing Body consisting of thirty-two persons, including the Primate of all Ireland, the Archbishop of Dublin, the two Lord Chief Justices, the Lord Chief Baron of the Exchequer, the Master of the Rolls, the Secretary of State for Ireland, and other eminent public officials. A Treasurer was appointed, who was to receive sixpence per pound of all such rents as should be received by him for the benefit of the Schools. The lands to be conveyed, in pursuance of the Letters Patent, to the Governing Body thus incorporated, were charged with a yearly rent-charge of £100, payable to the Governors of Christ's Hospital, London. Provision was also made for the employment of any increase of the rents of the Estates in raising the number of free scholars in the Schools or in increasing the allowance of those already there; and if the rents exceeded £300 per annum, the Governors were authorized to spend money in beautifying the Schoolhouses, or paying bursars in Schools where the number of scholars should exceed forty, in founding a Hebrew or other lectureship in Trinity College, and in finding out poor children as apprentices under Protestant Masters, and for clothing poor children in the Grammar Schools, the children of the tenants of Ennemaskeith to be preferred. Power was also reserved to Frances Smith to apply any residue of the increased rents, for the disposition of which no provision was made in the Charter, to such other charitable uses as he might by deed or will appoint.

Act of Parliament, 1723.

The Endowments seem to have rapidly increased in value. In 1723 an Act of Parliament was passed to regulate the disposal of the surplus rents accruing from year to year, as well as of the accumulations then in the hands of the Treasurer. By this Act the establishment of three Junior Fellowships and two additional lectureships in Trinity College, Dublin, was authorized, and certain annual payments to provide exhibitions for poor students of the College, which the Governors had for some time been making, were also mentioned. An agreement which the Governors had entered into with the Governors of the Hospital and Free School of King Charles the Second, Dublin, usually known as the Bluecoat Hospital, for the reception therein of any number of boys not exceeding twenty, was ratified; and the Governors were authorized to apply any further surplus that might from time to time accrue to some public work or use in Trinity College or in the Bluecoat Hospital, in putting out poor children to school or as apprentices, or in founding one or more English school or schools in any place or places in Ireland which the Governors should think convenient. Provision was made for the reduction of the outgoings authorized by the Act in the event of a decrease in the revenues at any future time, the payments to Christ's Hospital, London, to the three Junior Fellows in Trinity College, and to the Bluecoat Hospital, alone excepted.

Charter of King William the Fourth.

By a Charter granted by King William the Fourth, dated July 2, 1835, some provisions in the Charter of King Charles the Second were altered. The payments to the Treasurer were abolished, and it was directed that the allowances previously given to him should be used to create a fund to be named the Treasurer's Poundage, which was to be applied in such manner as the Governors should from time to time appoint. Out of this fund the High School,

Harcourt-street, was subsequently established. The Governors were also empowered to appoint bursars without regard to the number of scholars in the Schools, and to fix their salaries.

Increase in value of estates and employment of surplus by Governors.

The rental of the estates vested in the Governors continued to increase, and even with the wider powers of application given to the Governors by the Act of 1723, they had frequently a large surplus in their hands. From the reports of former Commissioners it appears that in 1791, the rents amounted to upwards of £4,300 a year, and the Governors had an annual surplus exceeding £1,400. In 1807, the accumulations in the hands of the Governors had grown to £35,000. The Governors had founded in 1773 an additional Grammar School at Ennis, for which no provision had been made either in the Charter or in the Act of 1723, and which has now been discontinued. In 1811, they founded a Day School in Dublin for the commercial education of male pupils, which is still in efficient operation. Large sums had also been granted from time to time to Trinity College, for building and other purposes. "One of these grants was of no less a sum than £8,000, British, for the purchase of the Library of Mr. Fagel, Pensionary of Holland, who had removed it to London, on the invasion of that country by the French, in the year 1794."*

The annual payments to the College which the Act of 1723 raised to £450 were increased in 1763 to £940. By an order of the Governors, dated July 13, 1850, these annual payments to Trinity College for Fellowships, Lectureships, and Exhibitions were reduced to £415 7s. 6d. sterling. By a subsequent order, dated January 23, 1859, they were increased to £792 6s. 5d. They have since varied from time to time and for some years past have amounted to about £600.

Founding of English Schools.

Between 1806 and 1814, the Governors employed a portion of their surplus to found in various parts of Ireland, sixty-nine "English Schools," for providing Elementary Education. Between 1839 and 1843, although the system of National Education had been established, the Governors founded fifty-two additional Elementary Schools, involving a large outlay upon an object for which the State was at this time making ample provision. Unfortunately, no pains were taken to secure that the buildings, erected, for the most part, by means of Endowments devoted by the founder mainly to higher education, should be permanently employed for educational purposes; and under leases which have been justly described by the Commission of 1854 as "improvident," sites and buildings, in connexion with which many thousands of pounds had been expended by the Governors, have become the private property of the original grantors of the sites or their representatives, and in many cases have ceased to be used for School purposes. Of recent years, the number of English Schools maintained or aided by the Governors has been gradually diminished. Excluding the Ardes School which is maintained principally by the produce of a rentcharge granted to the Governors by the Corporation of Ardes, there are still, however, 41 English Schools in various parts of Ireland, to which annual grants, amounting in the aggregate, during the year 1890, to £1,368 3s. 8d., continue to be made by the Governors. The cost of inspection of these schools brings the present annual expenditure under this head up to £1,659 10s. 8d. per annum, a sum almost equal to the amount applied to Grammar School education, which seems to have been the principal object of the founder's intention.

* Report of Commission of Inquiry into Primary Education (Ireland), 1875, vol. I. p. 482.

**PARENT INCOME AND EXPENDITURE OF THE
GOVERNORS.**

Income of Governors, 1890-91.

The income of the Governors for the year ending May, 1891, was £5,563 4s. 11d.; of this amount, £3,199 16s. 5d. were derived from the rents of the Estates, and from the Dublin property belonging to the Governors.

Expenditure of Governors, 1890-91.

The following table shows the application of this income for the year ending May, 1891:—

	£	s.	d.	£	s.	d.
Payment to Christ's Hospital, London,	50	10	0			
" Trinity College, Dublin,	602	8	5			
" King's Hospital, Oxon- ford,	705	8	0			
				1,808	1	5
Expenditure on Grammar Schools, including Rector's-street, and Broomfield-street, with cost of instruction,				1,687	11	2½
Expenditure on English Schools, with cost of superintendence,				1,650	10	8½
Governor's House, Salaries, Office expenses and incidentals,				817	2	9
Total expenditure,				5,554	5	11
Surplus (including £368 4s. 8d., carried to account of Treasurer's Fundings),				89	19	0
				£5,563	4	11

PROVISIONS OF THE DRAFT SCHEME.

I.—RECONSTITUTION OF THE GOVERNING BODY.

Reconstitution of the Governors. Sec. 2.

Under the existing constitution the number of the Governors is thirty-six.

The Draft Scheme proposes to reduce the number of Governors to twenty-four:—

- (a) Five Ex-officio Governors;
- (b) Five Governors appointed by the Lord Lieutenant;
- (c) Eight Representative Governors to be elected by Dublin University, by the Royal University, and by University Colleges connected with the Royal University;
- (d) Six Co-opted Governors, three of whom shall be members of the Grammar School Committee constituted under the Scheme.

Existing Governors continued. Sec. 6.

Provision is made for retaining upon the Governing Body, in the first instance, so many of the existing Governors appointed before June 1, 1891, as shall have attended not less than one-fourth of the meetings of the Governors held during their terms of office, but no vacancy amongst the Governors so continued is to be filled until their number has been reduced to six.

*Ex-officio Governors. Power to nominate
substitutes. Sec. 5.*

There are seven Ex-officio Governors named in the Scheme, but two of these fill offices which are to be discontinued under the Irish Judicature Act. When these offices cease to exist, the number of Ex-officio Governors will be five. Any Ex-officio Governor unable or unwilling to act has power to nominate a suitable person to act in his place.

Power of Governors continued. Sec. 9.

The Governors to be reconstituted will continue to be a Body Corporate, possessing all the powers and holding all the property of the existing Corporation.

*Vested interests and superannuation of Officers.
Sec. 44.*

The vested interests of all the existing officers are preserved. The Governors are empowered to grant reasonable retiring pensions and gratuities for those in their employment who shall become incapable of further duty, or whose services shall cease to be required.

Additional Endowments. Sec. 17.

The Governors may receive additional Endowments for the purposes of the Scheme, or for any object connected therewith.

*Grammar School Committees and Local
Committees. Secs. 23, 24, 25.*

For the purpose of securing more effective supervision of the Grammar Schools, and of increasing the interest in these Schools of persons of experience in education who are resident in the locality, the Governors have power to establish Committees to assist them in the management of the Grammar Schools. They have also power to establish or recognise Committees for the supervision and management of any Schools for Intermediate Education that may hereafter be aided by the Governors under the provisions of the Scheme, and may delegate to those Committees such powers as they shall think fit.

*Powers of Investment and Management of
Estates. Secs. 40, 41, 42.*

The Governors have powers of sub-letting, investment, and management, and in the case of their Landed Estates, are authorised to proceed under the Irish Land Purchase Acts.

II.—PRESENT APPLICATION OF THE ENDOWMENTS.

The Endowments are at present applied to the following objects:—

Rentcharge payable to Christ's Hospital, London.

1. To pay a rentcharge of £100 per annum to Christ's Hospital, London.

Payments to Trinity College.

2. To pay to Trinity College an annual sum which has varied from time to time, but which on the average of the last five years, amounts to £605 2s. 10d. This sum is applied (a.) to the payment of certain Fellows and Lecturers, and (b.) to the maintenance of Exhibitions.

Trinity College Endowment.

- (a.) The annual payments for the stipend of the Lecturer in Hebrew authorised by the Charter of King Charles the Second, and the annual payments for the stipends of three Junior Fellows and of the Lecturer in Oratory and History and the Lecturer in Natural and Experimental Philosophy, respectively, sanctioned by the Act of 1725, amount in the aggregate to £300, late Irish currency. These payments are Endowments belonging to Trinity College, Dublin, to which the Educational Endowments (Ireland) Act does not apply without the consent of the Senate or Governing Body of the University of Dublin. The Governors have for many years supplemented the salaries attached to these Lectureships by the Charter and by the Act of 1725, respectively, and have also aided in maintaining two Professorships, one of Mathematics, the other of Modern History, for which no express provision is made either by the Charter or by the Act of Parliament. The total annual amount at present payable by the Governors to Fellows, Lecturers, and Professors in Trinity College is £392 6s.

Trinity College Exhibitions.

(1.) The annual payments for Exhibitions in Trinity College which, as authorized by the Act of 1723, amount in the aggregate to £250 late Irish currency, or £250 12s. 6d. sterling. The Governors have for a considerable time increased the value of these Exhibitions of 57 7s. 8d. each to £40, £50, and £55, respectively, by payments amounting in the aggregate to £75 11s. These Exhibitions are supplemented only when they are awarded to students who have been pupils in the Schools managed by the Governors.

Free Scholars in Blue Coat Hospital.

3. To provide for the maintenance and education of twenty poor boys as Free Scholars in the Blue Coat Hospital under an agreement ratified by the Act of 1723. The average annual expenditure under this head during the last five years has amounted to £443 6s. 11d.

Grammar Schools.

4. To maintain the original Grammar Schools at Drogheda, Galway, and Tipperary, the High School, Harcourt Street, and the Commercial School, Brunswick Street, Dublin. The average annual amount expended on the maintenance of these Schools during the last five years has been £1,986 12s. 6d. This sum includes, however, the cost of maintaining both Grammar School which has now been discontinued.

English Schools.

5. To maintain English Schools for Elementary Education in various parts of Ireland. The average annual expenditure of the Governors for this purpose during the last five years has been £1,731 18s. 8d., including the cost of inspecting the Elementary Schools.

III.—APPLICATION OF THE ENDOWMENTS AS PROPOSED BY THE SCHEME.

Christ's Hospital, Sec. 10.

1. The payment of the rentcharge to Christ's Hospital, London, is continued.
2. The Scheme proposes—

Trinity College, Secs. 11, 16.

(a.) To continue the payments to Fellows and Lecturers of Trinity College, on the scale sanctioned by the Charter of King Charles the Second, and the Act of 1723, amounting annually to the sum of £180 12s. 2d., sterling.

(A.) To continue the payments for Exhibitions sanctioned by the Act of 1723, and the supplemental payments hitherto made by the Governors. The maximum amount payable annually to Trinity College for Exhibitions under the Scheme amounts to £503 11s. 7d.

The Scheme provides that these Exhibitions shall be awarded only to students who are in need of the assistance to be derived from them, that they shall be tenable for a period of four years, and that the holders shall be entitled to suitable chambers free of rent. In the case of the Supplemental Exhibitions, it is provided that they shall be awarded upon a standard of merit not less than that which must be attained in order to gain a Junior Exhibition; and in all cases, the children of the tenants of Erasmus Smith and his heirs, and failing these, poor scholars who have been educated in the Schools maintained or aided by the Governors, are to have the preference in the awarding of the Exhibitions.

The total annual payments to Trinity College, under the provisions of the Scheme, will not exceed £454 2s. 9d.

Blue Coat Hospital, Sec. 17.

3. The Scheme proposes to continue the power of the Governors to maintain and educate twenty poor boys as Free Scholars in the Blue Coat Hospital, or elsewhere, the children of tenants upon the estates of Erasmus Smith, if qualified, to be preferred.

The Grammar School, Sec. 13.

4. The Scheme makes provision for the maintenance of all the existing Grammar Schools. If any of them cease to be efficient, owing to a permanent change in the circumstances of the School or of the locality, the Governors, after due notice, and after holding, if called upon to do so, a local inquiry, have power to discontinue the School; but the Town Council, Town Commissioners, or twenty Ratepayers of the Poor Law Union or place affected by the closing of the School, have a right of appeal to the Lord Lieutenant in Council against the discontinuance of the School, and the decision of the Lord Lieutenant shall be final.

Discontinuance of English Schools, Sec. 18.

5. The Draft Scheme proposes to discontinue the grants for Elementary Schools within twelve months after the date of the Scheme, and direct the Governors to take steps, as far as possible, to secure, for the purposes of Elementary Education, the sites and buildings of the Schools hitherto aided by them.

It does not appear to us to be necessary or expedient to continue the present large outlay upon Elementary Schools. The Legislature now makes ample provisions for Elementary Education; and we have come to the conclusion that the greater number, if not all, of the Schools hitherto aided by the Governors, may, not only without injury, but with very great advantage, be placed in connexion with the Commissioners of National Education.

Application of the residue of the Endowments under the Scheme.

After making provision for the purposes mentioned above, the Governors will have at their disposal a considerable annual surplus which the Draft Scheme proposes to apply as follows:—

Grants in aid of Intermediate Education, Sec. 20.

(a.) To make grants in aid of local effort in the maintenance and establishment of Intermediate Schools in any district in Ireland where sufficient provision for Intermediate Education does not already exist. These grants in aid are intended to supply to some extent an urgent need to which attention has been frequently called by this Commission in its Annual Reports to His Excellency the Lord Lieutenant, "by furnishing the means of establishing Schools where none already exist, or of acquiring the plant and appliances which are necessary before any School can become efficient." No grant in aid shall be less than fifty or more than Two Hundred and Fifty Pounds per annum, which may be applied to the payment of rent for School buildings, or of the salaries of teachers, or to any other purpose in connexion with the School, which the Local Committee with the sanction of the Governors shall consider beneficial.

Conditions to be fulfilled by schools obtaining grants in aid. Fifth Schedule.

In every School sharing in any such grant adequate provision must be made for giving instruction in the following subjects of Grammar School education, at the least:—Latin; Greek; English; French, or German; Ancient and Modern History; Geography; Arithmetic; Algebra; Geometry and Physical Science, or Drawing. The amount provided in the locality

for the maintenance of the School shall reach at the least, the sum of £100 per annum. Each School sharing in a local grant must, within two years of obtaining such grant, be certified to be efficient by the Inspector appointed by the Lord Lieutenant, and must have in regular attendance twenty pupils at the least, ten of whom shall be the children of parents resident in the locality of the School.

Expenditure upon Grants in aid.

The annual amount to be applied by the Governors for grants in aid of Intermediate Education, is not to exceed one-sixth part of the annual income of the Endowments; but if the Governors are satisfied that such an application would be beneficial, they are empowered to add to the sum available for grants in aid of Intermediate Education any portion of their annual income, applicable to any of the other purposes of the Scheme, which, at the close of any year, may remain unexpended.

School Exhibitions. sec. 30.

(b) To establish Forty School Exhibitions, each of an annual value not exceeding fifteen pounds and tenable for two years, to be awarded upon the results of a competitive examination in the subjects of Elementary Education, not below the standard of the Fifth Class as defined in the Rules and Regulations of the Commissioners of National Education. The competition for these Exhibitions is, in the first instance, to be limited to children residing within certain districts, which, as nearly as can now be ascertained, include all the estates of Erasmus Smith. The districts as defined by the Scheme, and the lands granted and confirmed to Erasmus Smith by the Acts of Settlement and Explanation are set forth, respectively, in the Sixth and Eighth Schedules thereto.

These Exhibitions are intended to provide the children of the tenants of Erasmus Smith, who were special objects of his bounty, with the means of obtaining an Intermediate or Technical Education, or of securing their advancement in life in any other way which the Governors, with due regard to the wishes and circumstances of the holder of the Exhibition, may consider most advantageous.

The maximum expenditure under this head will be £1,200 per annum.

University Exhibitions. Sec. 31.

(c) To establish University Exhibitions for pupils of the Schools, maintained or aided by the Governors, who may be desirous to obtain a University Education. To secure that these Exhibitions shall be awarded only to persons capable of taking advantage of the educational facilities thus placed within their reach, and that a common test of recognized value shall be applied to all the candidates, the Scheme provides that these Exhibitions shall be awarded upon the results of the Examinations in the Senior Grade held under the Intermediate Board, and only to students who have obtained some distinction at these Examinations. Each Exhibition is tenable for two years, should the holder be of good conduct and make satisfactory progress in his studies. The Exhibitions may be held at any University, or in any College in which University studies are pursued, which may be selected by the holders with the sanction of the Governors.

The annual amount, to be expended in University Exhibitions by the Governors, is not to exceed one twelfth part of the annual income.

Ennis Grammar School. Sec. 30.

The Ennis Grammar School has been discontinued by the Governors, and the buildings have been let for a term of ten years to the Commissioners of Public Works in Ireland. We have no evidence which tends to show that it will be possible to re-establish this School, but the Scheme provides that if, within a year, a local Committee should be formed for the purpose of establishing or maintaining an Intermediate School in Ennis under the provisions of this Scheme, the Governors may apply the rent now derived from the School premises as a grant in aid, or part of a grant in aid, to the School established and maintained by this Committee. The Governors are also empowered upon the determination of the existing tenancy to let the building to a local Committee for the purpose of an Intermediate School.

Further Observations.

The Governors of the Schools founded by Erasmus Smith have submitted to us a Scheme for the future management of the Endowments. Under this Scheme members of the late Established Church alone would be eligible to fill the office of Governor. A strict denominational test would be imposed on the Head Masters and Assistant Masters of the Schools, and religious education would be provided in the Schools, in a manner very different from that prescribed either in the Indenture or in the Charter of King Charles the Second. This Scheme has been opposed not only by the representatives of the Presbyterian Church, but also by the members of other Protestant denominations who attended the preliminary inquiry, on the ground that "to give one particular denomination of Protestants, and one particular form of Church Government among Protestants, the whole control of the Erasmus Smith Endowments would be an absolute disregard of the intention of the founder." Having regard to the circumstances of the original foundation and to the history of the Endowments, we have been unable to adopt a Scheme which deals with the Endowments as if they were the exclusive property of one denomination of Protestants, or to frame a Scheme imposing denominational restrictions either upon the Governing Body, or upon the application of the Endowments.

On the other hand, the Draft Scheme does not propose to divide the Endowments, but deals with them as a whole. It applies no denominational test to the Governors. The public officials who have hitherto formed part of the Governing Body remain upon it. The Lord Lieutenant has power to nominate a limited number of Governors. In order to secure the presence upon the Governing Body of persons whose experience will specially qualify them to discharge the duties of so important an educational trust, representation is given to bodies which have a practical connexion with higher education in various parts of the country. Provision is made for the maintenance and extension of Grammar School Education, which seems to have been the primary object of the foundation; while, without interfering with the other objects of the trust, the Draft Scheme aims at securing, for the children of the tenants on the estates of Erasmus Smith, some of the advantages which the founder intended to bestow, but of which they have hitherto been unable to avail themselves.

Signed by order of the Educational Endowments Commissioners.

N. D. MURPHY, Secretary.

May 14, 1892.

No. I. (b.)

THE DRAFT SCHEME.

Indenture dated December 1, 1657.

(See Report, 1885-6, p. 440.)

Whereas Erasmus Smith, an Alderman of the City of London, being seized and possessed of certain lands, tenements, and hereditaments, which were seized and sequestered upon account of the rebellion in Ireland in the year 1641, and were assigned and set apart to the said Erasmus Smith, or those under whom he claimed the same, for the great and ardent desire which he had that the poor children inhabiting any part of his lands in Ireland should be brought up in the fear of God, and good literature, and to speak the English tongue; by Indenture dated December 1, 1657, granted to Henry Jones, Doctor in Divinity; Samuel Winter, Doctor in Divinity; Thomas Harrison, Doctor in Divinity; Henry Weston, Samuel Mather, Robert Chambers, Clerks; William Basil, Esq., Attorney General of Ireland; John Byne, Esq., Recorder of the City of Dublin; Thomas Herbert, Esq., Clerk of the Council of Ireland; Colonel Jerome Sankey; Colonel John Bridges; Major Anthony Morgan; Edward Roberts, Esq., Auditor-General of Ireland; James Staudin, Esq., Receiver-General of Ireland; Daniel Hutchinson, John Preston, Richard Tygh, and Thomas Hooker, Aldermen of the city of Dublin; the lands described in the said Indenture, to hold to the said Trustees, their heirs and assigns for ever, to the use of the said Erasmus Smith for a term of one hundred and forty years from May 1, then next ensuing, yielding and paying thereout Three Hundred Pounds sterling, yearly; and the reversion of the premises, together with the said rent, to the proper use and behoof of the said Trustees, their heirs and assigns, upon trust that they should stand seized of the same to the purposes and intents in the said Indenture mentioned, namely, that out of the rents, issues, and profits of the premises, they should, in case the said Erasmus Smith should not do it, procure and defray the charge of passing an Act of Parliament for the settling of the said lands and premises according to the true intent and meaning of the said Indenture, or otherwise to obtain licence under the Great Seal of England for incorporating themselves in succession, and to retain the said lands and premises to them and their successors, notwithstanding the Statute of Mortmain, to the use in the said Indenture expressed; and after the said Act should be passed, or licence obtained, and also before, to the intent that, out of the annual profits of the premises, the Trustees for the time being, or the said Corporation, should cause five school-houses for the teaching of grammar and the original tongue, and to write, read, and cast accounts, to be built in the places following—namely, one in the town of Sligo, one upon the said Erasmus Smith's lands about Galway, one upon his lands in the barony of Clacwilliam in the county of Tipperary, one upon his land in the barony of Dunlisc in the county of Antrim, and another "where his lands then are deficient (which is 25,760)" should be fixed; and by the said Indenture it was declared to be the intention of all the parties thereto, that all the children of the poor tenants inhabiting on the lands aforesaid, and the children of such as were poor, or lived by their labour, should be taught at the said Schools free, and without paying anything for their teaching to the masters appointed and paid as in the said Indenture directed, and that such of the children of the said tenants on the said lands as should be made fit for the University of Trinity College near Dublin, should have, towards their maintenance, out of the remainder of the said rents and profits, as far as they would reach, the former charge being first discharged, the sum of Ten Pounds late Irish currency, by the year, for each of the said children so fitted, for the first four years that each

person should be admitted into the said College of Dublin; provided that, in the first place, the children of tenants and inhabitants of the said lands, and other the lands of the said Erasmus Smith and his heirs in Ireland, should be first provided for, and, after them, such as should be educated in the said schools being poor, and, for want of such, for the relief of such other poor scholars as in the judgment of the Trustees for the time being, or the said Corporation, should be held fit to receive the same; provided always that the two latter sorts of poor should give place to the former as they should grow up and be fit to be entered in the said College or University, and that no one poor scholar to be maintained in the University or Trinity College aforesaid should receive out of the profits of the premises above Ten Pounds sterling by the year, and not to continue longer than four years after their respective entrance into the said College or University:

And the said Erasmus Smith by the said Indenture further declared that if, after the expiration or other determination of the lease therein expressed to be by him made, the said lands and premises should exceed the sum of Three Hundred Pounds by the year, being let at the best value, then the surplusage of the said rents and profits should be employed for the maintenance of five schools, for teaching, speaking, and reading the English tongue, then to be erected, where the said Trustees should judge most meet, on any part of the lands and premises of the said Erasmus Smith in Ireland; and it was further provided by the said Indenture that the said Erasmus Smith, or his heirs, should have the nomination or approbation of the first five schoolmasters to be settled and maintained by the rents and profits aforesaid, and it was thereby declared that the said schoolmasters should be obliged twice every day to pray with such scholars as they should respectively teach, that they should punish each of the said scholars, as from time to time, should, without good cause, be absent from the said exercise of prayer, that the said schoolmasters respectively should likewise catechise their scholars once every week on some week-day in the Catechism published and set forth by the Assembly of Divines, which Catechism the said Trustees were out of the said rents to provide for the scholars whose parents were poor and inhabitants on the premises as aforesaid, and that they should also every Lord's Day catechise them, or some of them in the presence of the rest, and expound to them publicly the said Catechism, or some part thereof, as well for the benefit of the said scholars as for the instruction of all such others as should desire to be present at that exercise in the School-houses or in the Church; and the said Indenture further provided that, if the parties thereto should not, within the space of seven years next ensuing from the date thereof, procure a licence granted under the Great Seal of England, or else procure an Act of Parliament for incorporating themselves to be a Corporation in perpetual succession, and capable to retain the lands and premises to them and their successors to the use aforesaid, then it should be lawful for the said Erasmus Smith and his heirs to re-enter into the premises and to repossess the same, anything contained in the same Indenture to the contrary notwithstanding:

And whereas no Licence or Act of Parliament was granted or procured as by the said Indenture provided, until the date of the Letters Patent next hereinafter recited, and the Trustees under the said Indenture remained in possession of the lands therein comprised:

Letters Patent dated November 3, 1667.

(Infra p. 151.)

And whereas, by Letters Patent dated November, 3, 1667, King Charles the Second granted and confirmed to Henry Jones, Bishop of Meath, John Byne,

Jerome Sankey, Edward Roberts, Richard Tygh, Daniel Hatchinson, and John Proston, their heirs and assigns, as Trustees for the several charitable uses thereafter mentioned, certain lands, tenements, and hereditaments situate in the Counties of Limerick and Sligo, and in the Counties and Liberties of the City of Galway, to hold to the said Trustees their heirs and assigns upon trust that, until a Corporation should be established to be called by the name of "The Governors of the Schools founded by Erasmus Smith, Esquire," the said Trustees should pay, out of the rents, and profits of the lands, to the Governors of the Hospital of King Edward the Sixth of England, of Christ's Bridewell, and St. Thomas the Apostle, the sum of £160 by two half yearly payments, to be disposed of for such pious and charitable uses as the said Erasmus Smith should direct and appoint, and, in default of such appointment, upon trust to apply £30 yearly in maintaining five Schools for teaching and instructing poor children of both sexes to speak and write English, in such places in Ireland, and to such charitable uses as the said Erasmus Smith should appoint; and in default of such appointment, to apply the said yearly sum of £30 to the general uses in the said Letters Patent intended; and upon further trust that the said Trustees should employ one-fourth part of the remainder of the rents, issues, and profits of the said lands, during the continuance of certain issues therein mentioned, in binding and placing poor men's children as apprentices to Protestant masters in Ireland, and after the determination of such leases, in binding and placing such apprentices, and in clothing poor children, pupils of the Grammar Schools thereafter mentioned; provided that the amount of such apprentices fee should be not more than £6, and that, in selecting the apprentices, a preference should be given to the children of poor tenants of Erasmus Smith, his heirs and assigns, educated in the said Schools: and upon further trust that the said Trustees, out of the rents, issues, and profits of the said lands should buy or build three convenient Schoolhouses and Masters' residences—one in or near Galway, and two others in such parts of Ireland as the said Erasmus Smith should nominate, and in default of such nomination, as the said Trustees should think fit, with power to the said Trustees to appoint and dismiss Schoolmasters, and with a provision that the Schoolmasters should be licensed by the Bishop of the Diocese in which the School should be situated; and upon further trust that the said Trustees should pay to each Schoolmaster a yearly stipend of £66 13s. 4d., and should provide that each Schoolmaster should, without fee or reward, instruct the children of poor persons dwelling on any of the lands aforesaid or on any lands belonging to the said Erasmus Smith, within two English miles of any of the said Schools, to read and cast accounts, and in grammar and other learning, and should also prepare such of the children aforesaid as should desire it, for the University or College near Dublin, and should entertain the children in attendance to be provided by the said Trustees: and upon further trust to employ all the residue of the said rents and profits in awarding Exhibitions of not more than £8 in value to such poor students as should enter the said University, for the space of seven years from their entrance therein, and for want of such poor students, to other poor students in the said University to be nominated by the said Trustees: and it was further provided that in the awarding of such Exhibitions as aforesaid, a preference should be given to the children of poor inhabitants of the lands of the said Erasmus Smith. And the said Letters Patent also contained provisions for the management of the said estates, for regulating the meetings of the said Trustees, for auditing and examining into their accounts and disbursements, for the appointment of a Treasurer, and for authorizing the Governors to allow the Treasurer so to be appointed Sixpence for every Twenty Shillings of such costs of the estates thereby

granted as should be by him collected and received; and further provided that upon the establishment of a Corporation bearing the title of "The Governors of the Schools founded by Erasmus Smith, Esquire," all the lands tenements and hereditaments before mentioned should be transferred to the said Corporation:

Royal Charter dated March 26, 1669.

(*Infra*, p 191.)

And whereas, by Royal Charter of King Charles the Second, dated March 26, 1669, granted upon the petition of the said Erasmus Smith, it was recited that the said Erasmus Smith had previously intended to erect five Grammar Schools in Ireland, and to endow the same with convenient maintenance for schoolmasters, and to make further provision for the education of children, at the University, which should be brought up in the same Schools, and for several other charitable uses; that of this intention of the said Erasmus Smith some notice was taken by the Act entitled "An Act for the better execution of His Majesty's gracious Declaration for the settlement of His Kingdom of Ireland, and the satisfaction of the several interests of adventurers, soldiers, and other his subjects there;" that, since the passing of the said Act, upon due consideration had of the necessity of settling a more liberal maintenance upon the several Schoolmasters which should be placed over the Grammar Schools, by making some provision also for clothing poor children and binding them out apprentices, it had been thought fit by the said Erasmus Smith to reduce the said five intended Grammar Schools to three; and yet, nevertheless, to continue and settle the same lands and tenements which were at first intended as a revenue to maintain five Grammar Schools, and other charitable uses, to be a perpetual revenue for maintenance of three Schools intended to be erected, and for carrying on the several public and charitable uses aforesaid; and it was by the said Charter further recited that a bill had been certified and transmitted under the Great Seal of Ireland to His Majesty in His High Court of Chancery in England, entitled "An Act for settling of certain lands of Erasmus Smith, Esquire, for charitable uses," which said bill was not passed into law at the date of the said Charter, and that yet the said lands, tenements, and hereditaments, ought to be applied to the said charitable uses; and it was by the said Charter further recited that in pursuance of two Acts of Parliament lately made in Ireland, one entitled "An Act for the better execution of His Majesty's gracious declaration for the settlement of His Kingdom of Ireland, and the satisfaction of the several interests of adventurers, soldiers, and other his subjects there," and the other "An Act for the explaining of some doubts arising from" the said first-mentioned Act, "and for making some alterations of and additions unto the said Act for the more speedy and effectual settlement of the said Kingdom," the Trustees did, for and on behalf of the said Erasmus Smith, on January 29, 1685, exhibit their petition and schedule to the Commissioners for executing the aforesaid Act, thereby setting forth that they, in the right and on the behalf of the said Erasmus Smith, and not otherwise, were, by two clauses and proviso in the said Explanatory Act contained, lawfully entitled to the several tenements and hereditaments in the said petition and schedule mentioned, under several trusts and limitations; and therefore prayed for an adjudication of their right and title thereto, and for the certificate of the said Commissioners, in order to their passing Letters Patent, under the Great Seal of Ireland, for the same; and that, upon hearing of the said petition, and upon consideration had of one proviso or clause in the said Explanatory Act contained, the said Commissioners did declare, that it appeared to them that the said lands, tenements, and hereditaments were seized and sequestered upon

account of the Rebellion in Ireland in the year 1641, and were thereby vested in the Crown according to the meaning of the said Acts; that the same were assigned and set apart to the said Erasmus Smith, or those under whom he claimed the same, for their several and respective adventures, bona fide paid for lands forfeited in Ireland; and that the said Commissioners did thereupon adjudge and decree that the said Trustees were by the said Clauses in the said Explanatory Act, as Trustees for several charitable uses, and not otherwise, lawfully entitled unto the said several lands, tenements, and hereditaments, according to the tenor of two several Acts of Parliament made in the 16th and 17th years of Charles I.; and it was by the said Charter further recited that the said Trustees had obtained the heretofore recited Letters Patent under the Great Seal of Ireland, dated November 3, 1667:

Establishment of Grammar Schools.

And whereas, by the said Royal Charter, King Charles the Second gave, granted, and confirmed to the said Erasmus Smith, his heirs, executors, administrators, and assigns, full power, licence, and authority, to place, erect, found, and establish three Free Grammar Schools, namely, one Free School in the town of Drogheda, another in the town or suburbs of Galway, and a third in the town of Tipperary, with power to the said Erasmus Smith during his life, and, after his decease, or during his sickness or absence from Ireland, to the Governors as by the said Charter incorporated for the time being, from time to time and at all times thereafter, to place in each School, besides the tenants children of the said Erasmus Smith, his heirs, executors, or assigns, who were not to be limited to any number, such numbers of poor children or scholars, not exceeding the number of twenty of the said scholars, as to him or them should seem convenient; and likewise that there should be three learned, able, and sufficient persons to be schoolmasters of the said Free Schools, and three other able and sufficient persons to be ushers thereof, respectively, to teach and instruct the said children in grammar, as so no usher should be appointed in any School where the number of the scholars should not exceed forty, and that the said schoolmasters and ushers should, in their respective Schools, use their best and utmost endeavours to instruct all such children in their respective Schools to write and cast accounts, and as far as the children were capable, should teach and instruct them in the Latin, Greek, and Hebrew tongues, and fit them for the University if desired; and it was by the said Charter directed that the said Free Schools should from thenceforth for ever thereafter be, remain, continue, and be employed and used for Free Schools for the teaching and instructing of twenty such poor children or scholars, who should dwell or inhabit within two English miles of the said respective Schools, and also for the teaching and instructing of all and every of the children of the tenants of the said Erasmus Smith, his heirs, executors, or assigns, at what distance soever from the said schools such tenants should dwell or inhabit, according to the true intent and meaning of the said Charter; and also that the said Erasmus Smith during his life, and, after his decease or during his sickness or absence, and with his approbation, the said Governors for the time being, should have power to nominate, assign, and appoint, when and as often as he or they should think good, such persons to be schoolmasters, ushers, scholars, officers, or officers, of or for the said Free Schools as he or they should think meet and convenient; and it was further provided that every schoolmaster or usher of the said Schools should be approved of by the Archbishop or Bishop of the Diocese wherein they were to live, if they should willingly subscribe the two first Canons of the Church of Ireland, agreed on in the tenth year of King

Charles I.; and the said Governors were thereby directed to pay to each schoolmaster of the said respective Schools, during the time he should continue in such place or employment, the yearly stipend of One Hundred Marks, equivalent to the sum of Sixty-six Pounds Thirteen Shillings and Fourpence, into Irish currency, equivalent to Sixty-one Pounds Ten Shillings and Ninepence, sterling, and to pay to each usher the yearly stipend of Twenty Pounds, into Irish currency equivalent to Eighteen Pounds Nine Shillings and Two Pence, sterling, so always that it should be in the discretion of the Governors to allow or not to allow an usher in any of the said Schools, according as they should find the number of the said scholars or their revenues to increase or diminish, and so also that there should never be more than one usher in any one School, to be paid by the said Governors; and by the said Charter, power and authority was granted to the said Erasmus Smith during his life by writing under his hand and seal, and to the said Governors and their successors for the time being, after his decease, under their common seal, to make, set down, and appoint such rules, statutes, and ordinances, for the rule, government, and well ordering the said Schools, and the said schoolmasters, ushers, and scholars for the time being, as to him or them should seem meet and convenient, and that the orders, rules, statutes, acts, and ordinances so made should be and stand in full force and strength in law, as so the same should not be repugnant to the Royal prerogative, nor contrary to the laws and statutes of Ireland, nor to any ecclesiastical canons or constitutions of the Church of Ireland, which should be then in force; and the said Charter, after reciting that "although the power given to the said Corporation to make by-laws from time to time, may very much enable them to make such wholesome orders and constitutions as may be necessary for the well regulating and governing the charitable uses aforesaid, and the revenues to be given for the sustentation and maintenance thereof, and also the persons to be employed in or about the premises," yet to the end that the good and pious intentions of the founder might in all things be preserved as much as possible, it was thought fit, at the humble petition of the said Erasmus Smith, by the said Charter to signify and declare approval of the following Rules, Orders, and Constitutions, viz.:-

That the Masters and Ushers of each Free School, respectively, shall wholly attend upon their Schools, and shall be utterly incapable of holding their respective places so soon as they shall not or exercise any other employment or calling, of what nature or kind soever.

That the Masters of such Free Schools shall take no money, reward or other gratuity whatsoever, for the teaching of any poor child, which shall be of the number of the twenty poor children living within two English miles of such Free School, nor of any other children, who are or shall be the children of any tenant to, or inhabitant upon the lands or possessions of the said Erasmus Smith, his heirs or assigns, or tenants to or inhabitants upon any other lands or possessions which shall or may belong to the Corporation aforesaid, how many soever such children shall be, and at what distance soever from such Schools they shall happen to dwell.

Also the Masters of such Free Schools, respectively, shall teach all such children as shall be found capable thereof, to write, and cast accounts; and, moreover, shall instruct them in the Greek, Latin, and Hebrew tongues, and fit them for the University if they, their parents, or friends shall so desire.

Also the said Masters shall, daily, once every week, on each Lord's day catechise their scholars, and for that purpose shall make use of the catechism set out by the late Most Reverend Father in God, James Usher, Lord Archbishop

of Armagh, Lord Primate of All Ireland, and shall spend some time in expounding some part thereof unto them.

And if any of the Masters of the said Schools shall neglect any of the rules aforesaid, it shall be held to be a just cause for removal of such Master, unless the said Governors, shall in their discretion think fit to punish the said neglect some other way or in some other manner.

And moreover, it shall not be lawful for any Schoolmaster, unless in case of sickness, to absent himself without leave from the said Governors, or any five or more of them, first had and obtained, and he who shall be appointed during such absence to execute the place and charge of such Schoolmaster, and to officiate for him shall, for his labour and pains therein, receive such a proportionable part of the salary of such absent Schoolmaster as would have been payable to the said Schoolmaster if he had not absented himself.

And moreover, it shall be lawful for such Master to receive of every scholar, at his entrance into the School, Two Shillings, except the twenty poor scholars in each School, who are to be privileged as aforesaid, and except the children of the tenants to and inhabitants upon the lands and possessions belonging to the said Erasmus Smith, his heirs or assigns, or which hereafter shall belong unto the Corporation aforesaid, who are all to be freely admitted and freely taught, how many sower they be, and how far sower they live from the said Schools.

Incorporation of Governors.

Provided always that the said Governors or their successors should not have power to make or appoint any laws, rules, statutes, acts, orders, or ordinances, after the death of the said Erasmus Smith, that would make void, suspend or weaken the same laws, rules, statutes, acts, orders, or ordinances constituted by the said Erasmus Smith, or any branch or circumstance thereof, which orders, rules, laws, statutes, acts, and ordinances were and always should remain and be in their full force and virtue, for the governing and ordering of the said Schools and works of charity; and by the said Charter, a body was incorporated by the name of "The Governors of the Schools founded by Erasmus Smith, Esquire," with perpetual succession and a common seal, which it was thereby directed should be engraven and circumscribed with the words "We are faithful to our trust"; and it was therein provided that the said body should consist of thirty-two Governors, namely, the Lord Archbishop of Armagh, Primate and Metropolitan of all Ireland, and his successors Archbishops there; the Lord Archbishop of Dublin and his successors; the Lord Chancellor of Ireland for the time being; Richard, Earl of Cork and Burlington, Lord Chief Treasurer of Ireland; Arthur, Earl of Anglesey; Edward, Lord Viscount Conway and Killybegs; John, Lord Viscount Massereene; Henry, Lord Bishop of Meath; Francis, Lord Angier; James, Lord Santry, Lord Chief Justice in Ireland; Sir Edward Smith, Lord Chief Justice of the Common Pleas in Ireland; John Byrnes, Esquire, Lord Chief Baron of the Exchequer in Ireland; and the two Chief Justices and the Chief Baron of the Exchequer in Ireland for the time being; Sir John Temple, Master of the Rolls; Sir Edward Dering, Baronet; Sir Paul Davies, Knight, Secretary of State in Ireland; Sir Francis Hamilton, Baronet; Sir Robert Booth, Knight, one of His Majesty's Justices in Ireland; Sir William Denville, Knight, His Majesty's Attorney-General in Ireland; Sir John Temple, Knight, His Majesty's Solicitor-General in Ireland; Sir George Lane, Knight; Sir Audley Mervyn, Knight; Jerome Seney, Esquire; Richard Tygh of Dublin, Alderman; Sir William Anson, one of His Majesty's Justices in Ireland; Henry Watfield, Esquire; Edward

Roberts, Esquire; Daniel Hutchinson, Ridgley Hatfield, and John Pressen, Aldermen of the City of Dublin; the Provost of the College of Dublin for the time being; Philip Fennelley, Esquire; and Richard Ronalds, Esquire, and the successors of such persons to be chosen from time to time as therein provided; and by the said Charter it was declared that if any of the said Governors, other than those who were Governors in virtue of their respective offices as aforesaid, should willingly absent themselves from the public meeting of the said Corporation by the space of two years together, such absence should be adjudged a good cause of removal, and it should be lawful for the said Corporation to proceed to the choice of another member in the place of him so absenting himself, if they in their discretion should think fit; and, by the said Charter, the said Corporation was empowered to get, purchase, receive and take for the aforesaid purposes from the said Erasmus Smith, his heirs and assigns, and also from the Trustees of the said Erasmus Smith, their heirs and assigns, and from all and every the persons to whom any lands or tenements, by virtue of any Letters Patent in said Charter mentioned, had been given or granted, the several lands, tenements, and hereditaments therein mentioned, and also such other lands, tenements, and hereditaments as should thereafter be conveyed unto them, and all and every the lands and tenements which should be conveyed unto the said Corporation, by virtue of, or in pursuance of the directions by the said Letters Patent, or which should be conveyed or assured by the said Erasmus Smith and his Trustees, or any of them, or by any other person or persons by the procurement and with the privity and directions of the said Erasmus Smith, charged and chargeable with a yearly rentcharge of One Hundred Pounds sterling, payable, as in the said Charter mentioned, to the Governors of Christ's Hospital at London; and by the said Charter, power was given to the said Governors to purchase, take, hold, receive, enjoy and have, to them and their successors for ever, as well goods and chattels as manors, lands, tenements, rents, reversions, annuities and hereditaments whatsoever, as well of the King, his heirs and successors, as of the said Erasmus Smith and his Trustees, or his or their heirs, executors, or assigns, or any other person or persons whatsoever, so as the same should not exceed the sum of Two Thousand Pounds per annum, the Statute of Mortmain, or any other statute, law, provision, or restriction to the contrary notwithstanding; with directions that the said Governors, or their successors, should not make any lease, grant, conveyance, or estate of any of their manors, lands, tenements, or hereditaments which should exceed the number of twenty-one years, and that either in possession, or not above one year before the end, expiration, or determination of the estate or estates in possession, and whereupon the highest yearly rent, or more, which any tenant or occupier of the lands did pay at any time within the space of seven years next before the making of any such lease, should be reserved and yearly payable during its continuance, and that no fee should be taken upon the making or renewing any such lease other than what might be had and taken without lessening of the yearly rent appointed to be reserved as aforesaid; and provision was made in the said Charter, for the annual election by the Governors of a Treasurer, who should not continue in the same office above the space of three years, and for allowing the Treasurer a sum of Sixpence in every Pound on all such rents as should be by him received, and for the rendering by the Treasurer of his yearly accounts; and provision was also made for the payment of the yearly sum of Thirty Pounds, late Irish currency, to an Hebrew Lecturer, as hereinafter more particularly recited; and it was by the said Charter provided that the residue of all the revenues and rents, which should remain after all the charges and payments thereinbefore mentioned were fully made and satisfied, should, dur-

for the continuance of such leases as were then in force, be distributed and applied in manner following, *viz.*, one moiety thereof to or for the binding out of poor children to be apprentices to and under such Protestant masters, as the said Governors should think fit; and, after the expiration of such leases, one moiety as aforesaid to be applied partly towards binding out poor children to be apprentices as aforesaid, and partly towards clothing of poor scholars in the said three Grammar Schools, the children of the tenants of *Erasmus Smith* to be preferred before the others; and that the other moiety of the said revenues, as well during the said leases as after the expiration thereof, should be applied to such other charitable uses as the said *Erasmus Smith* by any deed in writing or by his last will should appoint:

And whereas the said *Erasmus Smith* died in or about the year 1681 without having made any such appointment; and the Rules, Orders, and Constitutions hereinbefore recited have not been fully observed:

Act passed in 1723.

And whereas, by an Act of the Parliament of Ireland passed in 1723, it was recited that the lands and tenements set apart by the said *Erasmus Smith* as aforesaid, did then yield and for some time past had yielded a yearly surplus rent over and above the said yearly sums payable as aforesaid, and all other necessary yearly payments and charges in and about the execution of the trusts; and that the said Governors were desirous that the growing surplus of the said rents and profits, as well as the sums then already accumulated in the hands of their Treasurer, should be applied and disposed of as in the said Act mentioned; and it was thereby enacted that certain yearly sums should be paid as therein more particularly recited for the establishment of Junior Fellowships and Lectureships in Trinity College near Dublin; and it was by the said Act also recited that, previous to the passing of the said Act, the said Governors had been paying out of the rents of the said lands and tenements the yearly pension or exhibition of Eight Pounds, late Irish currency, to twenty poor scholars of the said College, and also the yearly pension or exhibition of Six Pounds, late Irish currency, to fifteen other poor scholars of the said College, and provision was made for the continuance of the said yearly pensions or exhibitions; and it was by the said Act also recited that the Governors of the said School had come to an agreement with the Governors of the Hospital and Free School of King Charles II., Dublin, commonly called the Blue Coat Hospital, in the city of Dublin, on the terms hereinafter mentioned, *viz.*—that the Governors of the Schools should give to the Governors of the Blue Coat Hospital Three Hundred Pounds sterling towards building an Infirmary for the said Hospital, for the reception of forty boys; that in consideration of the said sum of Three Hundred Pounds, the Governors of the said Hospital should find convenient reception in the said Hospital for any number of boys to be named and placed therein by the Governors of the Schools, not exceeding twenty, to have the same reception, maintenance and clothing, and be, every way, under the same regulation as the other boys in the said Hospital were; that the Governors of the Schools should find bedding and the usual furniture for each room, for such boys as should be placed in them in the said Hospital at their first entrance therein, until such time as provision should be made for the number of twenty boys agreed upon to be placed in the said Hospital, after which the repairing and keeping the said bedding and furniture were to be charged in the annual expense for the maintenance of the said boys, according to the usage and custom of the said Hospital; that the Governors of the said Schools should pay to the Governors of the Hospital, for the maintenance of each and every boy placed by them in the said Hospital, the same rate that the other boys in the said Hospital were maintained at, and that such sums as should be

found necessary for maintenance of each and every boy placed by them in the said Hospital as aforesaid, should be paid quarterly, and that the accounts should be made once every year; that the Governors of the said Schools should pay Five Pounds per annum to the Schoolmaster of the said Hospital for teaching the boys which should be placed in the Hospital by the Governors; that the Governors of the said Schools should pay the same rate that was paid for the other boys who were taught the mathematics in the said Hospital, if the Governors of the Schools should desire that any of the boys placed by them in the Hospital should be taught the same; that the Governors of the Schools should and would, at their own expense, bind out each and every boy that should be nominated and placed by them in the said Hospital, as soon as he and they should be fit to be put out apprentice, to such master as the Governors of the Schools should approve of, and should give such fee as the Governors of the Hospital gave with the other boys to be put out apprentice by them; that the Lord Mayor, Recorder, and two Aldermen, by the Governors of the Hospital to be chosen, should be standing Governors of the Schools founded by the said *Erasmus Smith*; and that four of the Governors of the Schools by them to be chosen, should be standing Governors of the Hospital; and the said agreement was by the said Act ratified and confirmed; and it was by the said Act further enacted that, if at any time or times thereafter, the rents, revenues, or profits of the said lands and tenements should happen to increase or be raised to better or greater yearly value than they then yielded, or if any part of the then yearly rents should remain over and above the annual payments, charges, and expenses therefor, or by the said Act appointed to be made out of the said lands, then the said Governors for the time being were empowered to apply and dispose of the residue and overplus of the said yearly rents, for and towards some public work or use in the said College or Hospital, in putting out poor children to school, or apprentices, or in setting up and founding one or more English School or Schools in any place or places in Ireland, as the said Governors should think most proper and convenient, with a provision for the reduction of the several outgoings in case the said rents, revenues, and profits should decrease or grow less:

Royal Charter, dated July 27, 1833.

And whereas by Royal Charter of King William the Fourth, dated July 27, 1833, it was among other things, declared that the allowance provided in the heretofore recited Charter of King Charles the Second, for the Treasurer of the said Governors of Sixpence for every Twenty Shillings on all such rents as should be received by him for the benefit of such Schools should be discontinued and cease in future to be made, and that the said sum of Sixpence in the Pound on all such rents should be set apart and from a fund by the name of the Treasurer's Fundage, to be applied in such manner as the said Governors and their successors should from time to time direct or appoint; and power was thereby given to the said Governors and their successors to make leases of any part or parts of the manors, lands, tenements and hereditaments vested in them, which then were, or thereafter might be or become, situate in or near any market town, for any term not exceeding forty-one years, provided that such lease or leases be made in possession, or not above one year before the said, expiration, or determination of the estate or estates in possession, and provided that the best and most improved yearly rent which could be reasonably had for the same be reserved and made payable thereout, without taking any fine for the making thereof; and the said Governors were thereby also empowered to appoint one or more usher or ushers to each of the said Schools when and as they should see occasion, or judge it expedient, and for the benefit of such Schools so to do, without reference to the number of scholars who might then be

in such School or Schools, as always that it should be in the discretion of the said Governors and their successors to allow, or not to allow, an usher or usher in any of the said Schools, and that there should be paid to such usher or ushers such yearly stipend or pension as they should think proper under the circumstances:

The existing Grammar Schools.

And whereas, in accordance with the hereinbefore recited Charter of King Charles the Second, Grammar Schools were established immediately after the date of the said Charter in the towns of Drogheda, Galway, and Tipperary, and the same are now managed and carried on in and upon the buildings and premises particularly described in the First Schedule hereto, as Grammar Schools for boys, both as resident pupils and as day scholars:

The Ennis Grammar School.

And whereas, in the year 1778, the Governors established an additional Grammar School in the town of Ennis, and the same was managed and carried on by the Governors in and upon the buildings and premises particularly described in the First Schedule hereto, as a Grammar School for boys, until the year 1891, when the Head Master thereof was appointed Head Master of the Grammar School at Tipperary, whereupon the Grammar School at Ennis was discontinued, and the premises previously occupied thereby are now held by the Commissioners of Public Works in Ireland under an agreement for a lease for a term of ten years at the annual rent of Ninety Pounds:

The Commercial School, Dublin.

And whereas in the year 1811, the Governors established in the city of Dublin, a Day School for the Commercial Education of male pupils, and the same is now managed and carried on in and upon the buildings and premises particularly described in the First Schedule hereto:

The High School, Dublin.

And whereas in the year 1870, the Governors, out of accumulations of the Treasurer's Powlage, which was placed at their disposal by the hereinbefore recited Charter of King William the Fourth, established, in the city of Dublin, a Day School for the Intermediate Education of male pupils, and the same has been known as the High School, and is now managed and carried on in and upon the buildings and premises particularly described in the First Schedule hereto, and portions of the said buildings and premises are used as the offices of the Governors, and as a residence for the Head Master of the said High School:

The English Schools.

And whereas, under the powers vested in them by the hereinbefore recited Act of 1753, the Governors have, from time to time, applied a portion of the surplus income of the said lands and tenements, for the purpose of setting up and founding English Schools, by acquiring sites, and building school-houses thereon; by making annual grants in aid of Schools for Elementary Education carried on in the said school-houses, and by providing inspection for such Schools; and the Governors have from time to time reduced or withdrawn their grants to certain of the English Schools; and they have made arrangements, in some cases for placing the Schools in connection with the Commissioners of National Education; and in other cases, they have, on the discontinuance of their grants, surrendered the School premises under covenants contained in the instruments by which such premises were held that in the event of their ceasing to be aided by the Governors, the said premises should revert to the grantors or their representatives; and, at the date of this Scheme, the English Schools men-

tioned in the Second Schedule hereto, are in receipt of the annual grants specified in the said Schedule; and the several sites thereof are vested in the Governors, subject, in certain cases, to provisions for the surrender thereof, as aforesaid:

The Trinity College Endowment.

And whereas, by the hereinbefore recited Charter of King Charles the Second, it was provided that there should be paid to such person as should be appointed by the College of Dublin to read a Hebrew Lecture there, during the time he should continue to read the said lecture, the yearly sum of £30, late Irish currency, equivalent to £27 13s. 10d. sterling, and in default of such appointment of an Hebrew Lecture, then to such other person who, by the said College, should be appointed to read some other learned lecture there, according as the said Governors should in their discretion think fit; and it was by the said Act of 1728, enacted that three new Fellowships and two Public Lectureships should be established in Trinity College near Dublin; that there should be paid out of the surplus rents of the said lands to the holder of each of the Fellowships and of each of the Lectureships so established the several yearly sums mentioned in the Third Schedule hereto; and at the date of this Scheme the said yearly sums are paid as by the said Charter and by the said Act directed, and the same constitute Endowments belonging to Trinity College, Dublin, to which the Educational Endowments Ireland Act, 1885, does not apply, without the consent of the Senate or Governing Body of the University of Dublin:

Exhibitions in Trinity College.

And whereas, by the said Act of 1728, it was enacted that out of the rents of the said lands and tenements the yearly pension or exhibition of Eight Pounds, late Irish currency, apiece, should be paid by the Governors to twenty poor scholars of Trinity College, Dublin, and also the yearly pension or exhibition of Six Pounds, late Irish currency, to fifteen other poor scholars of the said College, until the said scholars should be otherwise provided for, or removed, or should take the degree of Master of Arts in the said College, or should be of the standing to take that degree; and power was given to the said Governors to apply such portion as they should think fit of the sums then already accumulated, in erecting and finishing one or more buildings in the said College, the chambers in which were to be given free of rent to the holder of the pensions or exhibitions hereinbefore mentioned; and considerable grants of money were from time to time made by the Governors for the purpose of building chambers for students, and for other purposes connected with Trinity College; and the said Governors, out of the funds at their disposal, have supplemented two of the aforesaid Exhibitions of Eight Pounds, late Irish currency, so as to increase their value to Forty Pounds sterling, and Twenty-five Pounds sterling, respectively, and have from time to time awarded these supplemented Exhibitions upon the results of the Examinations held for Entrance or Junior Exhibitions in the said College, to students who have been pupils in the Grammar Schools; and have also supplemented one of the aforesaid Exhibitions of Eight Pounds, so as to increase its value to Thirty Pounds sterling, and have from time to time awarded this Exhibition upon the results of the Examinations aforesaid to a student who has been a pupil of the High School, Dublin, and at the date of this Scheme, the several yearly sums mentioned in the Fourth Schedule hereto are applied by the Governors for the purpose of maintaining such Exhibitions as aforesaid in Trinity College, Dublin:

And whereas it is expedient to make special provision for the education of the children of tenants upon the estates of the said Erasmus Smith, and the said estates are situated in the baronies and parishes specified in the Sixth Schedule hereto:

And whereas all the property, real and personal, held in trust for or applicable to the purposes of the heretofore recited instruments, now constitute Educational Endowments within the meaning of the Educational Endowments (Ireland) Act, 1885, and the said Act applies to the said Endowments, except the portion belonging to Trinity College, Dublin, to which the said Act does not apply without the consent of the Senate or Governing Body aforesaid:

And whereas it has appeared to the Commissioners under the said Act, after due inquiry, that, in order to extend the usefulness of the said Endowments, provision should be made for the future government and management thereof, in manner hereinafter appearing:

Therefore from and after the date of this Scheme, being the day upon which the Lord Lieutenant shall by Order in Council declare his approbation hereof, the said Endowments shall be held, governed, managed, and applied, for the purposes, with the powers, under the conditions and provisions, and in the manner hereinafter set forth, and not otherwise, any previous Act of Parliament, Letters Patent, Statute, Charter, Order, Scheme, Deed, Will, Instrument, Trust, or Direction, relating to the subject-matter of this Scheme to the contrary notwithstanding.

Preliminary.—Interpretation of Terms.

1. For the purposes of this Scheme, unless the context otherwise requires, the following terms shall be interpreted as follows:—

"The Act" shall mean The Educational Endowments (Ireland) Act, 1885.

"The Governors" shall mean the Governors of the Schools founded by Erasmus Smith, Esquire, incorporated under the heretofore recited Charter of King Charles II., dated March 24, 1659, and reconstituted and continued under this Scheme.

"The Grammar Schools" shall mean the Schools for the Intermediate Education of pupils situate in the towns of Drogheda, Galway, and Tipperary, and at No. 43, Harcourt Street, in the City of Dublin, and shall include any other similar Schools, for the time being, managed, maintained, or aided by the Governors as Grammar Schools under this Scheme.

"The Commercial School" shall mean the School for the Commercial Education of pupils carried on at No. 43, Great Brunswick Street, in the City of Dublin, and shall include any other similar School, for the time being, managed, maintained, or aided by the Governors under this Scheme.

"The English Schools" shall mean and include the Elementary Schools managed, maintained or aided by the Governors at the date of this Scheme.

"The Schools" shall mean and include the Grammar Schools, the Commercial School, and any other Schools for the Intermediate Education of pupils or for the Technical Education of pupils, for the time being managed, maintained, or aided by the Governors under this Scheme.

"The Endowments" shall mean and include all the lands, buildings, hereditaments, monies, securities, chattels, and effects at the date of this Scheme held by the Governors of the Schools founded by Erasmus Smith, Esquire, including the fund known by the name of the Treasurer's Piousness, and all rents, interest, dividends, and income thereof, due and accruing; and all other the property, real and personal, at the date of this Scheme held or possessed by the said Governors, or by any other person or persons, in trust for or applicable to all or any of the Educational purposes of the heretofore recited instruments or to all or any of the purposes of this Scheme; and shall also include all or any other property, real or personal, which may heretofore or hereafter, at any time, become or be vested in the Governors for all or any of the purposes of this Scheme.

"The Districts" shall mean the baronies and parishes specified in the Sixth Schedule hereto, being the localities in which the Estates of the said Erasmus Smith are situated.

"The Trinity College Endowment" shall mean the several yearly sums specified in the Third Schedule hereto, being the stipends of certain Fellows, Professors, or Lecturers, payable out of the Endowments and belonging to Trinity College, Dublin, under the provisions of the heretofore recited Act of 1733.

"The Local Committees" shall mean and include the Local Committees to be established by the Governors under this Scheme for the control and management of the Schools.

"Intermediate Education" shall mean education in such subjects as shall from time to time be included in the Programme of Examinations held by the Intermediate Education Board for Ireland.

"Technical Education" shall mean and include all technical instruction and manual instruction within the meaning of the Technical Instruction Act, 1889, and all other theoretical and practical instruction and training which may directly tend to prepare young persons for agriculture or any other industry, or for any trade, handicraft, or commercial pursuit or employment.

"Elementary Education" shall mean such education as may be given in the Schools aided by grants from the Commissioners of National Education in Ireland, herein referred to as "National Schools."

Constitution of the Governors.—Continuance of existing Corporation.

2. From and after the date of this Scheme, "The Governors of the Schools founded by Erasmus Smith, Esquire," shall be constituted in manner hereinafter provided, and as so constituted shall, under that name, continue to be a Body Corporate, with perpetual succession and a common seal, and power to acquire and hold property, real and personal, for the purposes of this Scheme, and shall, for the purposes of this Scheme, continue to have hold exercise and enjoy all the powers, property, rights, privileges, and authority which at the date of this Scheme may be vested in or capable of being exercised or enjoyed by the Governors, under the heretofore recited Charter, Acts of Parliament or otherwise howsoever.

Future Constitution.

From and after the date of this Scheme, subject to the provision hereinafter contained as to the continuing Governors, the said Body Corporate shall consist of—

- (a.) *Ex-officio* Governors;
- (b.) Representative Governors;
- (c.) Governors to be nominated by the Lord Lieutenant;
- (d.) Such and so many of the existing Governors as shall be qualified to continue as Governors, under the provisions hereinafter contained.
- (e.) Co-opted Governors to be appointed as hereinafter provided.

Ex-officio Governors.

3. The *ex-officio* Governors shall be the Lord Chancellor of Ireland; the Lord Chief Justice of Ireland; the Master of the Rolls in Ireland; the Provost of Trinity College, Dublin; the Chancellor of the Royal University of Ireland; and, so long as their respective offices shall continue to exist, the Lord Chief Baron of the Exchequer in Ireland, and the Vice-Chancellor of Ireland; all for the time being. Provided that any *ex-officio* Governor, whenever unable or unwilling to act in person, may from time to time nominate, by writing under his hand, a suitable person to act as a Governor, during his absence or in his place, for such time as may in such writing be declared.

Representative Governors.

4. The Representative Governors shall be eight in number, and one shall be elected by each of the following electing bodies, viz.:—The President and Senior Fellows of Trinity College, Dublin; the Council of the University of Dublin; the Senate of the Royal University of Ireland; the Council of Queen's College, Belfast; the Council of Queen's College, Cork; the Council of Queen's College, Galway; the Fellows of the Royal University of Ireland, for the time being exercising the function of teaching in University College, Dublin; and the Faculty of Magre Presbyterians College, Londonderry.

Appointment of Governors by Lord Lieutenant.

5. Immediately after the date of this Scheme the Lord Lieutenant shall appoint five qualified persons, resident in Ireland, to be Governors, and he shall, from time to time thereafter, as occasion shall require, appoint a suitable person to fill any vacancy occurring amongst the Governors nominated by him from time to time. The Governors so appointed shall hold office during the pleasure of the Lord Lieutenant. The Governors to be nominated by the Lord Lieutenant shall be persons of experience in Education, members of Local Committees established or recognised as hereinafter provided, or persons otherwise qualified to assist the Governors in the administration of the Endowments.

Continuing Governors.

6. In the first instance, such and so many of the existing Governors appointed before June 1, 1891, as at the date of this Scheme shall be able and willing to act, and shall have attended not less than one-fourth of the meetings of the Governors held during their tenure of office within three years next before the date of this Scheme, shall continue to be members of the Body Corporate. The existing Governors so qualified are hereinafter referred to as the continuing Governors. All the existing Governors not so qualified shall, at the date of this Scheme, cease to be members of the Body Corporate, but shall be eligible for appointment or election as Governors under this Scheme. From and after the date of this Scheme, the continuing Governors, with such and so many Governors as shall be appointed or elected as herein provided, shall constitute the Body Corporate, and shall and may have, hold, exercise and enjoy all the property, powers, jurisdiction, privileges and authority of the Governors for the time being.

Election of Representative Governors.

7. At a meeting of each of the Electing Bodies heretofore mentioned, to be held within two months after the date of this Scheme, the members present shall elect the first persons to represent them on the Board of Governors, and they shall, from time to time as vacancies occur, appoint suitable persons to be Representative Governors. Every Electing Body may, from time to time, determine the period, not less than one year, nor more than three years, for which its representative shall hold office. If and whenever any of the Electing Bodies entitled to elect a Governor under the provisions heretofore contained shall fail to do so within a period of six months after the vacancy shall have been notified to them, the Governors shall, as soon as conveniently may be after the expiration of such period, co-opt a suitable person to fill the same. Every Governor so co-opted shall hold office only until the Electing Body by whom the vacancy might have been filled shall appoint a Representative Governor to fill the same.

Casual Vacancies and Co-opting of Governors.

8. Whenever any Governor other than an *ex-officio* Governor shall die, or resign by writing under his hand, or become bankrupt, or refuse to act, or become

incapable of acting, or, in the case of a Governor co-opted from a Grammar School Committee, as herein provided, shall cease to be a member of such Committee, or shall cease to reside permanently in Ireland, or shall, for the space of one year, fail to attend a meeting of the Governors, his office shall thereupon become vacant, and the fact of the vacancy with the cause thereof shall be recorded in the minutes of the Governors, and, in the case of a vacancy occurring amongst the Governors appointed by the Lord Lieutenant, or amongst the Representative Governors, the same shall be notified to the Lord Lieutenant, or to the Electing Body, as the case may be. No vacancy so occurring amongst the continuing Governors shall be filled until the number of continuing Governors has been reduced to six, but each subsequent vacancy shall, as soon as conveniently may be after it has occurred, be filled by the remaining Governors, who shall co-opt a suitable person to fill the same. On the occasion of the first vacancy among the continuing Governors to be filled by co-optation as herein provided, the Governors shall select, as a Co-opted Governor, a member of any Grammar School Committee which may have been constituted as hereinafter provided, and shall proceed in like manner upon the occurrence of subsequent vacancies, until there shall be, among the Co-opted Governors, one representative of each Grammar School Committee which may have been appointed as hereinafter provided. Every vacancy occurring thereafter among the Representatives of the Grammar School Committees shall be filled by the co-optation of a Governor from the Grammar School Committee of which the Governor vacating office was a member.

The continuing Governors and their successors in office, co-opted as herein provided, shall be called Co-opted Governors.

Vesting of Endowments and continuance of Powers.

9. From and after the date of this Scheme, all the Endowments then held by or vested in the existing Governors shall remain vested in the Governors as hereby constituted, who shall therewith hold, receive, and apply all the Endowments, and the rents, issues, dividends, and produce thereof, and all other property and moneys applicable to the purposes of this Scheme, and receivable by the Governors, in the manner hereinafter prescribed. All property, rights, powers, remedies, privileges, and authority, at the date of this Scheme vested in the Governors, or capable of being exercised or enjoyed by them, shall continue to be vested in and may be exercised and enjoyed by the Governors as hereby constituted.

Payment of Rentscharge to Christ's Hospital, London.

10. From and after the date of this Scheme the Governors shall as heretofore pay to the Governors of Christ's Hospital, London, the yearly rentscharge of One Hundred Pounds sterling, charged and chargeable upon the Endowments under the provisions of the heretofore recited Charter.

The Trinity College Endowment.

11. From and after the date of this Scheme, the Governors shall pay in each year to the Rector or other proper officer of Trinity College, Dublin, the several yearly sums set forth in the Yaled Schedule hereto, and the same shall be applied under the heretofore recited Charter and Act of Parliament for the same purposes, in the same manner, and subject to the same conditions, in every respect, as if this Scheme had not passed.

Trusts of the Endowments.

12. From and after the date of this Scheme, and subject to the other provisions herein contained, and to any special trusts or conditions lawfully affecting

any part thereof, the Endowments, and all or any other property vested in the Governors, or otherwise available for the purposes of this Scheme, and the rents, produce, and income thereof, shall be held by them upon trust to maintain or aid in maintaining Schools for Intermediate Education in the manner and subject to the conditions hereinafter set forth; and otherwise to promote, as hereinafter provided, the education of children, male and female, throughout Ireland, especially the children of tenants within the Districts. Provided that unless and until Schemes are framed under the Act dealing with the sum of £125 7s. 1d. Government Stock, standing in the accounts of the Governors to the credit of "Sarah Stephenson's Legacy," and with the perpetual yearly rentcharge of £10 now payable by the Ardee Town Commissioners to the Governors, the said sum of stock, and the said rentcharge shall be applied by the Governors upon the trusts and subject to the conditions now lawfully affecting the same.

Application of the Endowments.

13. All moneys received by the Governors from the Endowments, or otherwise for the purposes of this Scheme, subject to the other provisions of this Scheme, and to any special trusts or conditions upon which any part thereof may be received, shall be expended and applied by them for or towards the following purposes, or for or towards such and so many of them as to the Governors shall from time to time seem expedient:—

(1.) To pay the rentcharge to Christ's Hospital, London, as hereinbefore provided.

(2.) To pay to the Bursar of Trinity College, Dublin, the yearly sums which are payable in respect of the Trinity College Endowment, as hereinbefore provided.

(3.) To maintain the Exhibitions in Trinity College, Dublin, by means of the Trinity College Exhibition Fund, payable as hereinbefore provided.

(4.) To pay such sums as may be payable towards the support, maintenance, and inspection of the English Schools, so long as such payments or any of them shall continue to be made under this Scheme.

(5.) To defray the cost of maintaining and educating Free Scholars in the Hospital and Free School of King Charles II., or in any other similar Institution or Institutions, under the provisions hereinafter contained.

(6.) To maintain the buildings of the Grammar Schools, and the school furniture, appliances, and premises, in good order and condition, and to make such additions thereto, and improvements therein, as may be required from time to time.

(7.) To pay all rents, taxes, cost of insurance, and other charges necessarily or properly payable out of or for the said premises, and to defray the necessary working expenses of the Grammar Schools, and the cost of management.

(8.) To pay such Teachers as they may deem it expedient to engage for the instruction of the pupils in such subjects of Intermediate Education as they shall deem suitable or useful for a sufficient number of pupils.

(9.) To pay the several sums payable in respect of grants in aid of Intermediate Education under the provisions hereinafter contained.

(10.) To maintain the School Exhibitions, and the University Exhibitions, in manner hereinafter provided.

(11.) To provide prizes for the most deserving pupils of the Schools; such prizes may be awarded in money, or in remission of school-fees, or in such other manner as the Governors may deem best calculated to stimulate the industry or to promote the progress of the pupils, and may be so given as to enable and encourage deserving

and capable pupils, who require such assistance, to continue their education at the Schools longer than they could otherwise do, or to obtain special or more advanced education or training elsewhere.

(12.) To advance in life deserving pupils, selected according to merit, whose circumstances are such that they need assistance on leaving School. Such assistance shall, in each case, be given with due regard to the circumstances and needs of the pupil receiving the same, and may be given as or towards apprenticeship fees, fees for training or education at suitable Colleges or other Institutions, the cost of obtaining special or more advanced education or training, or in such other mode, and subject to such conditions, as the Governors may consider most advantageous to the pupils.

(13.) To defray any other expenses incurred in carrying out the purposes of this Scheme.

Additional Endowments—Donations and Subscriptions.

14. The Governors may obtain and accept grants and conveyances of land or buildings, and may collect, receive, acquire and hold donations, subscriptions, bequests, legacies, and other additional endowments, real or personal, and may apply the same for all or any of the purposes of this Scheme, or for the benefit of all or any of the Schools. They may also collect, receive, acquire and hold donations, subscriptions, bequests, legacies, and other endowments, real or personal, and may apply the same for any object connected with the Schools, or any of them, or with all or any of the purposes of this Scheme, which shall not be inconsistent with, or calculated to impede, the efficient working of the provisions hereof. All property and moneys so received or applied shall be included in the accounts to be kept by the Governors under this Scheme.

Aid from Public Sources.

15. The Governors may from time to time make all arrangements necessary to enable them to obtain for the Schools, or any of them, from the Intermediate Education Board, from the Science and Art Department, from the Commissioners of Public Works, or from any other public body, or under any Act of Parliament, such aid, by way of teachers' salaries, results fees, prizes, provision for Technical or other special education, and grants or loans for building and other purposes, as may at any time be available for or open to like Schools or the pupils thereof, and, notwithstanding anything herein contained, the Governors may place any or all of the Schools or of their classes in connection with or under the inspection of any such public body as aforesaid, and they may comply with any rules or regulations for the time being in force respecting classes, Schools, or pupils receiving such aid. All money and other aid which the Governors may so receive shall, subject to such rules and regulations, be applied by the Governors, or by a Local Committee on their behalf, in accordance with the provisions of this Scheme, and shall be accounted for accordingly.

The Trinity College Exhibition Fund.

16. From and after the date of this Scheme, the Governors shall in each year apply the yearly sums set forth in the Fourth Schedule hereto, Part I, for the maintenance in Trinity College, Dublin, of the Exhibitions in the said Schedule mentioned.

Provided that the exhibitions payable out of the Trinity College Exhibition Fund shall be awarded only to students who are in circumstances to need the assistance to be derived from them, and shall be tenable by students for such period not exceeding four years as the names of the holders shall remain on the books of the College, under such conditions as regards

passing Examinations and obtaining Honours as may be prescribed, from time to time, by rules made by the Governors; and provided also that the holders of the said Exhibitions shall be entitled to suitable chambers free of rent in accordance with the provisions of the Act of 1753; and provided further that in the awarding of the said Exhibitions, the children of the tenants and inhabitants of the lands of the said Erasmus Smith, and his heirs in Ireland, or, failing those, poor scholars who have been educated in the schools, shall at all times have the preference. Subject as herein provided, the Governors may, from time to time, frame such regulations regarding the said Exhibitions as they may deem expedient, and may in such regulations prescribe the conditions of competition and the terms upon which such Exhibitions shall be held, and they may fix the number and the value of the Exhibitions, other than the supplemented Exhibitions, as they shall think fit:

Subject as herein provided, the Governors may continue to apply the yearly sums mentioned in the Fourth Schedule hereto, Part II, to supplement three of the aforesaid Exhibitions of Eight Pounds into Irish currency, so as to increase their value to Forty Pounds Twenty-five Pounds, and Thirty Pounds, respectively.

The supplemented Exhibitions shall be awarded only to students who have been pupils of the Schools for a period of not less than three years, and who at the Examinations held for Junior or Entrance Exhibitions at the said College, shall have attained a standard of merit not lower than that attained by the Candidate who shall have gained the last Junior or Entrance Exhibition at the said Examination, and who shall also have obtained higher marks than those of any candidate, he shall have failed to gain a Junior or Entrance Exhibition at the same Examination.

Maintenance and Education of Free Scholars.

17. From and after the date of this Scheme, the Governors may provide for the maintenance and education of poor boys as Free Scholars not exceeding twenty in number. The Free Scholars shall be chosen in the manner and subject to the conditions from time to time prescribed by the Governors; provided always that no boy shall be chosen as a Free Scholar unless the Governors are satisfied that his parents or guardians are unable to provide for his maintenance and education, and that the children of tenants upon the Estates, if otherwise duly qualified, shall be preferred.

For the purposes hereinbefore stated the Governors may, from time to time, make such arrangements as they shall deem expedient, for the reception of the Free Scholars in the Hospital and Free School of King Charles II., or in any other similar institution or institutions, provided that the payment for each Free Scholar shall not exceed the average cost of the maintenance and education per head of the other pupils in the said Hospital or Institution, and that the Governors may provide for their representation upon the governing body of the said Hospital, or of any other institution in which the Free Scholars may be from time to time received, or for the supervision of the Free Scholars in the said institution or institutions; and provided that the boys placed as Free Scholars in the said Hospital at the date of this Scheme shall be entitled to complete their education as Free Scholars in the said Hospital for the same period, and upon the same terms, and subject to the same conditions, as if this Scheme had not passed.

The English Schools.

18. Subject to the provisions hereinafter contained, the Governors shall, within twelve months after the date of this Scheme, discontinue all payments towards the support, maintenance, and inspection of the English Schools.

Immediately after the date of this Scheme, the Governors shall take all necessary and proper steps to

have the English Schools placed in connection with the Commissioners of National Education, and to have all sites and buildings occupied by the said Schools, and vested in the Governors, made available, wherever possible, for the purposes of the said Schools. The Governors shall also have power to make such arrangements as they shall think fit with any owners entitled to the reversion of such sites and buildings, with a view to secure the same for the purposes of Elementary Education, in such manner and subject to such conditions as may be agreed upon; and, in cases of sites which do not revert to the governors or lessors on their ceasing to be used for educational purposes, the Governors may sell, let, or otherwise dispose of any such sites or buildings vested in them as may not be required for educational purposes under this Scheme, and may apply the proceeds for any of the other purposes of this Scheme.

General Provisions as to the Schools.

19. The Grammar Schools at Drogheda, Galway, Tipperary, and Dublin, and the Commercial School, shall, subject to the provisions hereinafter contained in this clause, continue to be maintained as Schools for Intermediate Education, in the buildings hitherto occupied thereby respectively, or in such other buildings as the Governors may acquire as hereinafter provided. Subject to the provisions of this Scheme, the Governors may remove any of the said Schools to some more convenient site or sites in or near the city or town in which such School is situated. Subject as aforesaid, the Governors may discontinue any of the said Schools which, in their opinion, on account of a permanent change in the circumstances of the School, or of the locality, shall have ceased to be in efficient operation; provided that before discontinuing any Grammar School, the Governors shall give public notice in the locality of such School of their intention that it shall be discontinued; and if the Town Council or Town Commissioners of any town or district, or any ratepayers, not less than twenty, of any poor-law union or place, directly affected by such discontinuance as aforesaid, shall object to such discontinuance within two months after such public notice, the Governors shall hold a public inquiry by two or more of their number in the locality of the School proposed to be discontinued. After such inquiry the Governors may, by special resolution, make such order in reference to the School as they shall deem expedient; provided that any Town Council, Town Commissioners, or ratepayers, as aforesaid, may within one calendar month appeal against any order discontinuing a Grammar School to the Lord Lieutenant in Council, who may confirm, discharge, or stay such order, and whose decision shall be final. Upon any such removal or discontinuance as aforesaid, the Governors may appropriate the vacated buildings and premises herewith for such of the purposes of this Scheme as they may deem expedient; or they may let or give the use of the said buildings and premises to a Local Committee established as hereinafter provided, to be used by the Local Committee as an Intermediate School, upon such terms and conditions as the Governors shall, in each case, deem expedient; or they may sell, let, or otherwise dispose of the vacated buildings and premises to the best advantage; and the proceeds of any such sale or letting shall be applied to such of the purposes of this Scheme as the Governors shall, from time to time, deem expedient.

Ennis Grammar School.

20. If, within one year after the date of this Scheme, a Local Committee shall be formed, as hereinafter provided, for the purpose of establishing or maintaining an Intermediate School in the town of Ennis, the Governors may apply the rents and profits derived from the letting already made of the buildings

and premises formerly occupied by the Grammar School at Ennis, or a grant in aid, or as part of a grant in aid, to the Intermediate School maintained by the said Committee, in the manner and subject to the conditions prescribed by Clause 26 of this Scheme; or, if no Local Committee shall be so established, the Governors may apply the said rent to any of the other purposes of this Scheme as they shall deem expedient. On the termination of the existing letting of the said buildings and premises, the Governors may let the same to a Local Committee established or recognised as hereinafter provided, to be used by the said Committee for the purposes of an Intermediate School upon such terms and conditions as they shall think fit; or they may sell, let, or otherwise dispose of the said buildings and premises to the best advantage; and the proceeds of any such sale or letting shall be applied to such of the purposes of this Scheme as the Governors shall, from time to time, deem expedient.

School Fees and Free Education.

21. Subject to the provisions hereinafter contained as to free places, the Governors may from time to time authorise the charge of such School fees in the Grammar Schools, and in the Commercial School, as they may think reasonable; provided that the fees may be reduced or remitted in the case of any pupil who is unable to pay the ordinary fees. In each of the said Schools provision shall be made, to the satisfaction of the Governors and of the Inspector appointed by the Lord Lieutenant, for the free education as day pupils of at least twenty pupils selected by the Governors from among the children of the tenants upon the Estates, or failing these, from amongst such other poor children as the Governors shall from time to time think fit. The Governors shall from time to time determine in what manner and subject to what conditions the free pupils shall be selected.

Boarders in the Grammar Schools.

22. The Governors, or a Local Committee with the approval of the Governors, may allocate or permit the use of such portions of the School premises as they shall think fit, for the residence of the Head Master or Assistant Masters, and may provide for the reception and boarding of resident pupils in the several Schools, or in Boarding Houses connected therewith and under the control of the Head Master or of Assistant Masters, upon such terms and under such conditions as they shall from time to time determine.

Grammar School Committees.

23. The Governors shall from time to time establish or appoint a Grammar School Committee to aid in the supervision and management of each of the Grammar Schools; the Governors may fix the constitution and define the functions of each Grammar School Committee; each School Committee shall consist of not less than three persons, each of whom shall be resident in the locality of the School, and shall be a person of experience in education, or otherwise qualified to assist the Governors in the management of the School.

Local Committees.

24. In each locality in which any of the Schools aided by grants made under this Scheme as hereinafter provided may be situated, the Governors may, from time to time, establish or recognise a Local Committee, consisting of three or more persons, as the Governors shall think expedient to aid in the government and management of any such School. The Governors shall fix the constitution and define the functions of each Local Committee, and may provide for the election of the members of the Local Committee, by parents or guardians of pupils in attendance at the

School, by past pupils of the School being of full age, by contributors to the funds of the School, or by the Governors, in such proportions and subject to such regulations and conditions as the Governors, from time to time and in each case, shall determine. The Governors may, at any time, by special resolution, discontinue a Local Committee for such cause as they shall deem adequate, and may, from time to time, by like resolution, alter the constitution of any Local Committee established or recognised under this Scheme.

Powers of the Local Committees.

25. Subject to the provisions of this Scheme, and to any rules and regulations for the time being applicable to any School aided by grants made under this Scheme as hereinafter provided, the Governors may, by writing under their common seal, delegate to a Local Committee such powers as they shall, from time to time, think fit; and may, by such writing, empower a Local Committee to exercise general supervision over any one or more of such Schools, and over the School buildings, to determine the business of education to be taught, to fix the terms and vacations, and to make such rules and regulations for the maintenance of order and discipline in the School or Schools for the management of which such Local Committee has been constituted, as the Local Committee, with the approval of the Governors, shall think fit.

Appointment of Masters.

26. Subject to the provisions of this Scheme, and to any rules and regulations for the time being applicable to any School, the Governors may, from time to time, by writing, under their common seal, make such provision as they shall think fit for the appointment and removal of the Head Master, the Assistant Masters, and the other members of the teaching staff of any one or more of the Schools; and they may, by such writing, provide that all or any of such appointments may be made by the Governors, or by a Local Committee, or by the Head Master of the School, in such manner and subject to such conditions as shall, by such writing, be declared.

Evening Schools and Classes.

27. The Governors, or a Local Committee with the approval of the Governors, may maintain in the Schools, or any of them, evening schools or evening classes for the education of pupils who are engaged during the day in trade, agriculture, or other business, and who are desirous of carrying on their education in the evening. The course of instruction in the evening schools or classes shall be arranged with special regard to the requirements of pupils, obliged to maintain themselves by technical, commercial, or industrial pursuits; and may comprise instruction in subjects of Intermediate Education, in Practical and Experimental Science, Agriculture, Handicraft, Drawing, Modelling, Book-keeping, Needlework, and any other subjects which the Governors, or the Local Committee with the approval of the Governors, may deem suitable or useful for any sufficient number of the pupils.

Religious Instruction.

28. The Governors, or a Local Committee, may from time to time, make such provision for the religious instruction of the pupils of the School or Schools under their management as they shall think fit; provided always that such religious instruction shall be given with due regard to the religious denominations to which the pupils shall respectively belong, and that no pupil shall be permitted to receive or to be present at any religious instruction to which his parents or guardians shall object, and that the arrangements for giving religious instruction shall be so made that no pupil declining to receive such instruction shall be thereby in effect excluded, directly or indirectly, from any of the other advantages afforded by the School.

Grants in Aid of Intermediate Education.

29. After making such provision as the Governors shall deem adequate for the efficient maintenance of the Grammar Schools and of the Commercial School, and subject to the other provisions of this Scheme, the Governors shall in each year set apart a sum not exceeding one-sixth of the income of the Endowments to be applied to supplement local effort in the establishment and maintenance of an Intermediate School or Schools in any district or districts in Ireland in which the Governors shall be of opinion that sufficient provision for Intermediate Education does not already exist.

The sum so set apart shall in each year be administered either directly by the Governors, or through Local Committees established or recognised as hereinbefore provided, to whom annual grants shall be made, and by whom they shall be applied towards the payment of rent for school buildings and premises, towards making provision for the payment of teachers, or for such other purposes as the Local Committee with the sanction of the Governors shall from time to time determine. The amount of each annual grant shall be not less than Fifty Pounds and not more than Two Hundred and Fifty Pounds. No grant shall be made to any School in which adequate provision shall not be made for giving instruction in the subjects of Intermediate Education specified in the Fifth Schedule hereto, nor unless the amount provided by the locality for the maintenance of such School, including School Fees, shall, in the year during which the grant is made, reach the sum of One Hundred Pounds; and no annual grant shall be continued for more than one year after that in which it is first made unless the School shall fulfil the conditions prescribed in the Fifth Schedule hereto.

School Exhibitions.

30. From and after the date of this Scheme, the Governors shall in each year offer for competition by examination so many School Exhibitions, not exceeding Forty in any year, as the funds at their disposal for that purpose shall from time to time permit. These Exhibitions shall be awarded in accordance with the following provisions:—

(1.) The annual value of each Exhibition shall not exceed Fifteen Pounds; and each Exhibition shall be tenable for two School years, provided that the holder shall be of good conduct, and shall show such progress in his studies as the Governors shall deem satisfactory.

(2.) Each candidate shall be the child of a person residing within the District; and shall, during each of the two years next before the day appointed for the examination, have made not less than one hundred attendances as a pupil at a School or Schools for Elementary Education; provided that if, in any year, a sufficient number of candidates so qualified shall not present themselves, the Governors may offer all or any of the Exhibitions which have not been awarded, for open competition throughout Ireland, or in localities selected from time to time by the Governors, under such terms and conditions as they shall from time to time prescribe.

(3.) Each candidate shall, on the day of examination, be under the age of fourteen years, and shall be capable of taking full advantage of the education to which a School Exhibition would entitle him.

(4.) The examination shall be held in each locality at a time and place, and in a course, to be appointed and publicly announced not less than six months previously by the Governors, and shall be conducted by an Examiner or Examiners appointed by the Governors. All the candidates in the same locality shall be examined at the same time and in the same course.

(5.) The name and address of every candidate, and a certificate of attendance signed by the Manager of the School or Schools attended by him, and such further evidence of qualification as the Governors may require, shall be furnished to the Governors not less than one month before the examination. If any question shall arise as to the qualification of any candidate, the same shall be inquired into and finally determined by the Governors, or by the Examiner or Examiners with the authority and on behalf of the Governors.

(6.) The Governors shall from time to time allocate the Exhibitions to be awarded among the several localities in which they shall be offered for competition in such manner as they shall deem expedient, having regard to the population of each district, and to its educational needs and facilities.

(7.) The subjects of examination shall be those of Elementary Education only, and not below the standard of the Fifth Class, as defined by the Rules and Regulations of the Commissioners of National Education for the time being, and may include any optional or extra subjects taught in National Schools.

(8.) The report of the Examiner or Examiners on the respective merits of the candidates shall be final, and no Exhibition shall be awarded to any candidate whom the Examiner or Examiners shall not report to have shown sufficient merit. Each candidate to whom an Exhibition shall be awarded shall be required to pursue his studies during the two school years next following the examination at which the Exhibition was awarded, at some place of Intermediate Education selected by his parents or guardians and approved by the Governors; and no Exhibition shall be tenable for a second year, unless the Governors shall be satisfied that the holder is of good conduct and has made sufficient progress in his studies during the first year. Provided always that it shall be lawful for the Governors to apply the amount of the Exhibition awarded in any case for or towards the advancement in life of the successful candidate in such manner as the Governors, having due regard to his wishes and circumstances, shall deem most advantageous; or for or towards aiding such candidate to obtain technical or other special or more advanced education or training.

(9.) Unless and until the Governors shall otherwise provide, the Exhibitions shall be open to boys only.

University Exhibitions.

31. The Governors shall in each year set apart a sum not exceeding one twelfth of the income of the Endowments for the establishment and maintenance of University Exhibitions, which shall in each case be awarded subject to the conditions hereinafter contained. The annual value of each Exhibition shall not exceed Forty Pounds; and each Exhibition shall be tenable for two academic years, at some University or College in which University studies are pursued, to be approved by the Governors. The University Exhibitions shall be awarded to such of the pupils of the Schools as shall within the year in which such Exhibitions are given have obtained the highest places in the Senior Grade at the Examinations held under the Intermediate Education Board for Ireland, provided that no Exhibition shall be awarded to any pupil who shall not have obtained either an Exhibition, or a Prize in the Senior Grade, or who shall not have obtained an Exhibition obtained in a lower grade as a previous Examination. Each Exhibition shall be payable in two equal annual instalments, and the first instalment of each Exhibition shall be paid to the pupil to whom it has been awarded upon the production by him, within a period of eighteen months after such pupil shall have passed the Intermediate Examination,

of a certificate that he has passed the Entrance or Matriculation Examination of some University in Ireland. No University Exhibition shall be awarded unless the Governors shall be satisfied that the candidate has shown sufficient merit, and no Exhibition shall be tenable for a second year unless the Governors shall be satisfied that the holder is of good conduct and has made sufficient progress in his studies during the first year.

Application of Surplus.

32. If in any year, after making due provision for the several purposes hereinbefore mentioned, any portion of the income of the Endowments shall remain unexpended, the Governors, if they are satisfied that such an expenditure would be beneficial, may apply the whole or any part of the said unexpended income in augmenting the sum set apart as hereinbefore provided for supplementing local effort in the establishment and maintenance of Intermediate Schools.

General Provisions as to the Governors—Chairman, Quorum, and Honorary Officers.

33. The Governors at their first meeting held more than two months after the date of this Scheme, and at their first meeting in each calendar year thereafter, shall elect from among themselves a Chairman and a Vice-Chairman, who shall continue in office until the first meeting in the succeeding year. The Chairman, and in his absence the Vice-Chairman, shall preside at the meetings of the Governors. Until the election and in the absence of the Chairman and Vice-Chairman, the Governors present shall elect one of their number to act as Chairman for the occasion. Five Governors shall constitute a quorum. All matters and questions shall be determined by the majority of the Governors present; in every case of equality of votes the Chairman of the meeting shall have a second or casting vote. The Governors may, from time to time, appoint a Secretary, and such official staff as shall be found necessary, at such salaries as they shall deem expedient; they may also appoint such Honorary Officers as they shall think fit, and may define the duties of such Honorary Officers.

Committees.

34. The Governors may, from time to time, appoint a Committee or Committees, each consisting of two or more of their number, to carry into execution any orders rules or directions of the Governors with respect to the purposes of this Scheme, or to manage such of their business as the Governors may deem it expedient to delegate to a Committee. The Governors may fix the quorum, define the duties, and regulate the proceedings of every Committee as they shall think fit.

Meetings.

35. The Governors shall hold their first meeting within three calendar months after the date of this Scheme, and they shall meet once, at the least, in every three months thereafter, on such day as they shall fix: they shall also meet at such other times as they may from time to time appoint, or as their business shall require. Notice of every meeting shall be sent to each Governor six clear days, or such other time as the Governors may direct, before the meeting. The Chairman or the Vice Chairman, or any five other Governors, may, at any time, direct the Secretary to summon a special meeting of the Governors, sending notice to each Governor six clear days, or such other time as the Governors may direct, before the meeting, specifying in the notice the business for the transaction of which the meeting is summoned; and no other business shall be transacted at a special meeting. Every meeting may be adjourned for the completion of its business to such time and place as the Governors present may appoint.

Minutes, Books, and Documents.

36. Every Governor shall, at or before the first meeting which he attends, sign a declaration, in a book to be kept for that purpose, of his acceptance of the office of Governor, and until he has signed such declaration he shall not be entitled to act as a Governor. Minute Books shall be kept by the Governors, in which minutes of all their proceedings shall be duly entered. All deeds and other writings, sealed with the common seal and signed at any meeting by the Chairman of the meeting and two other Governors, shall be held to be validly executed on behalf of the Governors.

By-laws and Regulations.

37. The Governors may, from time to time, make such by-laws and regulations as they shall consider convenient and needful for giving effect to the provisions of this Scheme, provided that no such by-law or regulation shall be inconsistent with the provisions of this Scheme, and that the same may be repealed, altered, and amended by the Governors from time to time as they shall deem expedient.

Accounts and Audit.

38. The Governors shall cause to be kept regular accounts of all their receipts and disbursements, in such manner and form as may be from time to time prescribed or approved by the Local Government Board, and the accounts for each year, ending the thirty-first day of December, or such other day as the Board may appoint, or an abstract thereof, in such form as the Board shall prescribe or approve, shall be submitted for audit on or before the first day of March following, or such other day as the Board may appoint, to an auditor of the Local Government Board, or to some other competent authority to be appointed or approved by the said Board. The Local Government Board may fix, and the Governors shall pay out of the income of the respective Endowments vested in them, such reasonable sum or sums as shall be necessary to defray the cost of audit. The Governors shall keep an account with such bank as they may from time to time select, and all moneys receivable or payable by them (except petty cash) shall be lodged to or drawn from such account, and every cheque shall be signed by two Governors, at the least, thereto authorized.

Inspection.

39. An Inspector to be appointed by the Lord Lieutenant in pursuance of the Act, section 17, shall inspect each School sharing in any of the Endowments administered under this Scheme, once at the least in each year, and so much oftener as the Lord Lieutenant may direct, and shall present his reports thereon to the Lord Lieutenant; the remuneration of every such Inspector, as fixed by the Lord Lieutenant, shall be defrayed by the Governors out of the Endowments.

Management of Property.

40. The Governors shall, from time to time, make such arrangements as they may deem expedient for the custody of their common seal, and of all deeds and documents belonging to the Endowments, for the management of the estates and property vested in them, for keeping proper maps and records of holdings and tenancies, and for the employment of such land agent or agents, and of such solicitor or solicitors, and of such bailiffs and other officers, as they shall find it expedient to employ, to assist in such management.

Every agent employed by the Governors shall be required to give sufficient security to them for the faithful discharge of his duties, and to furnish his account once at the least in each year, and in each account to include all rents and other income due or payable up to the date of the account.

Leasing powers.

41. The Governors may make agricultural or occupation leases and letting of land from year to year or for any term not exceeding forty years, and leases of buildings from year to year or for any term not exceeding ninety-nine years, and leases for building or improvement for any term not exceeding two hundred years, so that every such lease and letting shall take effect in possession upon or within three years after the making thereof, and shall be made at the highest rent that may fairly and reasonably be obtained, and without fine. They may, in such manner and upon such terms as they shall deem most expedient, sell, exchange, let upon fire in fee-farm or for any term, mortgage, or otherwise dispose of all or any parts of the lands and buildings (not being required for the purposes of any School under the provisions of this Scheme) which may be vested in them, so that every such dealing shall be carried out to the best advantage, and that all money obtained thereon, other than current rents shall be treated as part of the capital of the Endowments, and shall be invested or otherwise disposed of in accordance with the provisions of this Scheme. For the purpose of such sale as aforesaid, the Governors may proceed under the provisions of, and comply with any rules, orders, and conditions prescribed by, or framed in pursuance of, the Land Purchase (Ireland) Acts, 1870 to 1891, or of any Act or Acts amending or extending the same.

Powers of Investments.

42. The Governors may from time to time sell any of the personal property vested in them, and they may invest the moneys arising therefrom, or from the sale of any real property, or other the capital of the Endowments, and may also invest and accumulate any surplus or residue of income, or any other funds received by them, in any of the public stocks, funds, or securities of the United Kingdom, or of any Colony or Dependency thereof, or in the stock of the Bank of England, or of the Bank of Ireland, or upon freehold or leasehold securities in the United Kingdom; or upon the bonds, debentures, debenture stock, or mortgage of any municipal, commercial, or other joint stock company or corporation carrying on business or constituted for any purpose in the United Kingdom, or in any Colony or Dependency thereof, or in any securities for the time being authorized by law, or by the practice of the High Court of Justice in Ireland, for the investment of trust funds; the Governors may from time to time vary such investments, and they may from time to time resort to the accumulations of income from any previous year, and may apply the same for the purposes of this Scheme; they may retain in their existing state of investment, so long as they shall think fit, all or any securities heretofore vested in them or which may hereafter be transferred to them.

Payments of Expenses.

43. The Governors shall, subject to the other provisions of this Scheme, pay out of the income of the Endowments, all charges which under the provisions of the Act shall be properly and necessarily payable by the Governors, for the costs and expenses of this Scheme, or for audit and inspection, or for other purposes.

Provision for Vested Interests and Superannuation.

44. Every individual who at the date of the passing of the Act held, and at the date of this Scheme shall continue to hold, any office, place, employment, pension, compensation, allowance, or emolument, under or arising out of the Endowments heretofore transferred to and vested in the Governors, shall continue to hold, and shall be entitled to receive the same from the Governors, upon the

same terms and in the same manner, in every respect, as he or she held and was entitled to receive the same at the date of the passing of the Act; and every such individual shall remain bound to perform the same and all like duties for the Governors, so long as his or her employment shall continue, as he or she would have been bound to perform for his or her existing employer if this Scheme had not passed; and the employment of every such individual may be determined by the Governors in the same manner, and under the same conditions, as if this Scheme had not passed. The Governors may grant to any officer in their employment who, otherwise than from wilful misconduct, shall become incapable of further duty, or whose services shall be no longer required, such reasonable retiring pension and gratuity, as the Governors shall think fit, having due regard to length of service, and to the circumstances of his or her employment.

Printing of Scheme.

45. The Governors shall cause this Scheme to be printed, or shall procure printed copies thereof, and shall keep the same for sale at a reasonable price.

Alteration of Scheme.

46. This Scheme may be altered from time to time by the Commissioners of Charitable Donations and Bequests for Ireland, in any matter whatsoever, upon the application of the Governors or of the Attorney-General for Ireland: but except upon such application no alteration shall be so made, and no alteration shall be made contrary to anything contained in this Act.

*SCHEDULE REFERRED TO IN THE FOREGOING SCHEME.**First Schedule.—The Houses and Premises of the several Schools.*

1. *Drogheda Grammar School Premises*.—A piece of land with the schoolhouse, offices, and outbuildings erected thereon, situate in the town of Drogheda, held partly under a fee-farm grant, dated July 8, 1678, subject to the yearly rent of £3 12s. 4d., and partly under a lease for lives renewable far ever, dated January 8, 1711, subject to the yearly rent of £5 13s. 1d.

2. *Galway Grammar School Premises*.—A piece of land with the schoolhouse, offices, and outbuildings erected thereon, together with about fifteen acres of land attached, situate at College Road, close to the town of Galway, being part of the estates of the said Erasmus Smith.

3. *Tipperrary Grammar School Premises*.—A piece of land with the schoolhouse, offices, and outbuildings, known as "The Ahley," together with about fifteen acres of land, situate close to the town of Tipperrary, being part of the estates of the said Erasmus Smith. The Head Master pays a rent to the Governors of £10 per annum during his tenure of the premises.

4. *Kesh Grammar School Premises*.—A piece of land with the schoolhouse, offices, and outbuildings standing thereon, containing two acres of land situate in the parish of Drumoliff, and county of Clare, held under fee-farm grant dated September 20, 1675, subject to the yearly rent of £5 8s.

This school was discontinued in the year 1891 and the premises have been let to the Board of Works under an agreement for a lease for ten years from April, 1891.

5. *Premises of the Commercial School, Dublin*.—The house No. 43, Great Brunswick-street, at present used as a schoolhouse and dwellinghouse, with the offices, outbuildings, and garden thereto, held (with other premises) under lease for lives renewable far ever, dated June 25, 1610, at the yearly rent of £42 sterling.

E. *Premises of the High School, Dublin*.—The dwellinghouse No. 40, Harcourt Street, Dublin, with the schoolhouse, offices, outbuildings, and garden at-

tached thereto, held under lease dated November 15, 1844, subject to the yearly rent of £100.

Second Schedule.

PART I.—*The English Schools to which annual grants in aid are made by the Governors at the date of this Scheme, and the amount of each annual grant.*

Name of School.	No. on Roll.	Average Attendance.	Amount of Grant.			
			For Teachers Salaries.		For School Expenses.	
			£	s. d.	£	s. d.
Aclare,	17	9	18	15 7	0	5 5
Ardee,	17	15	29	5 0	2	18 7
Athlone,	25	24	58	8 0	3	0 3
	31	20				
Baltimore,	30	19	27	8 8	—	—
Belurbet,	45	30	31	13 9	2	5 0
Buncrana,	25	21	24	5 6	2	9 4
Collon,	27	42	29	8 0	2	9 7
Cockemane,	47	30	30	15 10	0	16 5
Derryglaw,	32	18	29	8 5	0	9 9
Doon,	11	10	43	2 0	0	11 8
Drumcliffe,	21	19	28	4 0	1	18 9
Ferna,	45	30	29	5 0	4	10 9
Granard,	19	20	25	7 0	5	19 5
Kilcooley,	22	11	25	8 0	0	5 2
Kill,	25	13	10	16 5	0	9 4
Killashoe,	14	8	31	4 0	2	8 7
Killishill,	15	10	16	5 0	0	19 4
Kilmore,	46	27	45	15 4	1	19 5
Kilmuck,	30	18	29	5 0	9	19 3
Killybeg,	31	14	22	9 5	0	10 9
Loughgall,	41	29	35	8 0	4	8 0
Monto,	18	18	52	13 8	3	14 8
	25	18				
Macroom,	16	11	19	10 0	0	2 5
Newtownsherry,	35	23	43	12 8	4	1 7
	28	25				
Omeath,	49	43	27	14 2	2	4 10
Pallagreen,	7	7*	29	0 0	3	3 1
Richhill,	32	23	29	8 0	0	16 11
Rathbarry,	11	9	13	19 0	—	—
Stencorlar,	50	44	40	15 0	2	5 2
Tipperary,	15	11	19	13 5	0	7 9
Tanlaght,	17	13	25	7 0	0	18 8
Tarbert,	21	12	48	13 8	4	1 5
	25	17				
Templeshambo,	45	29	39	0 0	2	0 5
Thosurra,	12	9	23	7 8	0	2 11
Timoleague,	11	8	16	13 8	1	11 1
Windsor,	29	27	27	8 0	0	15 9
Collinstown,	12	8	—	—	—	—
Whitehall,	35	27	40	5 0	2	9 4

* Six of the Master's Children.

† Including an annuity of £19 10s. to the Master.

‡ No grant, but inspection.

PART II.—*Annuities payable to Teachers of English Schools which have ceased to receive Annual Grants.*

Kilbey.—Annuity of £19 10s. payable to the Master.

Mount Stewart.—Annuity of £29 10s. payable to the Master.

THIRD SCHEDULE.

The Trinity College Endowment.

The Trinity College Endowment consists of the following yearly sums, namely:—

1. The yearly sum of £30 15s. 4d. sterling, payable as a stipend to each of three of the Junior Fellows of Trinity College, Dublin.
2. The yearly sum of £27 13s. 10d. sterling, payable as a stipend to Erasmus Smith's Lecturer on Hebrew in the said College.
3. The yearly sum of £30 6s. 2d. sterling, payable as a stipend to the Lecturer in Oratory and History, and a like yearly sum of £30 6s. 2d. payable as a stipend to the Lecturer in Natural and Experimental Philosophy in the said College.

FOURTH SCHEDULE.

*The Trinity College Exhibition Fund.*PART I.—*The Statutory Exhibitions.*

1. The yearly sum of £147 13s. 4d. to be applied as by this Scheme directed for the maintenance in Trinity College, Dublin, of Twenty Exhibitions of the value of £7 7s. 6d. each.
2. The yearly sum of £84 1s. 3d. to be applied as by this Scheme directed for the maintenance in Trinity College, Dublin, of Fifteen Exhibitions of the value of £5 10s. 9d. each.

PART II.—*Supplemental Payments.*

Such yearly sums as may be necessary to provide for the Supplemental Exhibitions awarded to pupils of the Grammar Schools under sec. 16 of this Scheme, which may be awarded to pupils of the Grammar Schools.

FIFTH SCHEDULE.

Conditions to be fulfilled by a School towards the support of which a Grant in aid may be made under the provisions of the foregoing Scheme.

The conditions shall be as follows:—

- (a.) The School shall be managed by the Governors or by a Local Committee as constituted under or for the purposes of this Scheme.
- (b.) Instruction shall be regularly given in the School, throughout each School year for which a payment is made, in the following subjects at the least:—

Latin; Greek; English; French or German; Ancient and Modern History; Geography; Arithmetic; Algebra; Geometry; and Physical Science, or Drawing.

- (c.) The School, throughout each School year for which a payment is made, shall have regularly afforded Intermediate Education, in the subjects hereinbefore specified at the least, to not less than twenty pupils, each of whom shall have made not less than one hundred attendances as a pupil at the School on different days in the School year, and not less than ten of those pupils shall be day pupils, the children of parents resident in the locality of the School.

(d.) The Inspector appointed by the Lord Lieutenant shall satisfy himself by sufficient examination and inquiry, and shall report and certify that throughout each School year for which a payment is made, the buildings, appliances, and premises of the School have been sufficient and suitable for an efficient Intermediate School, and have been maintained in good order, that a competent staff for the efficient teaching of the subjects specified in this Schedule has been employed in the School, and that Intermediate Education has been regularly afforded to the required number of pupils of the prescribed age, in the prescribed subjects at the least.

Provided that in any case in which a School may be prevented, by any temporary or accidental cause, from fulfilling all the conditions aforesaid in any School year, the Governors may, for such year, dispense with the fulfilment of any one or more of the said conditions, upon being satisfied that the School is likely to fulfill the same in the next succeeding year, but such a dispensation shall not be made for the same School for two consecutive years.

SIXTH SCHEDULE.

The Districts within which are situated the Estates conferred to Erasmus Smith under the Acts of Settlement and Explanation.

County of Tipperary.

The Barony of Clanwilliam.

The Barony of Middleton.

Barony of Kilmanshaugh, Parish of Green.

Barony of Kierin and Lower Ormond, Parishes of Aglishbegane and Toghmalra.

County of Limerick.

The Barony of Coonagh.

County of Meath.

Barony of Decon, Parishes of Branganstown and Caltrallin.

Barony of Slane, Parish of Slane.

Barony of Morgallion, Parish of Castleblayney.

County of Louth.

The Barony of Farnham.

The County of the Town of Drogheda.

County of Galway.

The County of the Town of Galway.

County of Sligo.

The Barony of Ceshary.

County of Kildare.

The Barony of Salt North, Parish of Kilsalmon.

King's County.

Barony of Ballycliff, Townland of Ballywilliam.

County of Westmeath.

Barony of Moyushe and Magheradenon, Parish of Mullingar.

SEVENTH SCHEDULE.

*The Erasmus Smith Endowments.**Part I.—Real Estate.**1.—The Tipperary Estate.*

Barony.	Townland.	No. of Townlands.	Area.	Rental November, 1891.
			<i>A. R. P.</i>	<i>£ s. d.</i>
Clonwilliam, .	Abbey Lands, .	10	106 3 9	321 8 5
	Bathavenagh, .	7	69 2 19	125 15 0
	Sollabandbeg, .	25	843 2 23	684 12 4
Kilmanagh and Owey and Arns, .	Drumhara, .	53	1,812 0 11	766 9 0
Ormond, Upper,	Cortacoolrath, .	8	168 3 27	63 7 4
	Nenagh School, .	1	3 0 38	7 0 0
		109	3,020 1 7	1,866 10 1

2.—The Limerick Estate.

Ossough,	Clonabroga, . . .	2	28 1 31	Rent included with other Farms.	
	Knockderck, . . .	6	410 2 55	331 18 5	
	Pallas Green, . . .	14	548 1 33	488 10 0	
	Killick, . . .	16	418 2 10	429 14 2	
	Ballyhurst, . . .	5	51 0 39	39 13 6	
	Tullowbeg, . . .	5	57 1 7	34 8 0	
	Ballykiddy, . . .	7	142 1 6	76 1 8	
	Drumlara, . . .	19	351 3 4	264 13 1	
	Pullough, . . .	1	282 1 35	245 0 0	
	Gortavallagh, . . .	25	753 1 12	577 9 8	
	Do., (bog), . . .	—	—	—	
	Clagher, . . .	5	67 2 34	29 19 4	
	Gortfrish, . . .	—	—	—	
	Knocknacurragh, . . .	8	117 2 11	115 14 4	
	Do., (bog), . . .	—	—	—	
	Ballyroosdown, . . .	12	160 0 30	128 2 0	
	Do., (bog), . . .	—	—	—	
	Gorteenahorna, . . .	—	—	—	
	Gortagarda, . . .	8	94 3 24	119 14 4	
	Garrane and Garrane-moor, . . .	15	97 0 24	199 9 9	
	Lisboa, . . .	2	85 2 24	*30 0 0	*Tenant ejected —year's rent £75 10s.
	Maymore, . . .	10	48 1 24	55 12 2	
	Ballygarra, . . .	15	316 0 34	347 11 4	
		137	4,185 2 18½	3,593 13 8	

3.—The Galway Estate.

Galway, .	Marrogh, . . .	1	238 0 21	168 5 3	
	Recon, . . .	2	382 0 16	395 0 0	
	Ballyhanamore, . . .	5	1,067 3 9	596 15 0	
	Ballyhanabeg, . . .				
	Rinmore, . . .				
	Hare Island, . . .	1	519 2 23	570 0 0	
	Ballybritt and Parkmore, . . .				
	Genanyla, . . .	1	178 0 9	68 5 0	
		10	2,415 2 58	1,898 5 3	
	Town Plots, . . .	—	—	663 2 3	
	Weekly tenancies—Seasons—Monthly and Censure, . . .	—	—	183 2 0	
	Total acreage and rent, . . .	—	2,415 2 58	2,732 10 8	

4.—*The Sligo Estates.*

Barny.	Townland.	No. of Tenants.	Acres.	Rents, 1861.	—
Corry.	Glenserry Beg.	—	A. R. P.	£ s. d.	
	Farnacuddy, .		172 2 34	250 5 8	
	Townfabbia, .	—	1,852 1 36	117 0 0	
—	Glencarberry, .				
—	King's Mountain or Linsheilly, .				
	Loughansilly, .		2,025 1 30	397 5 8	

5.—*The Westmeath Estate.*

Moyahol, .	Kilpatrick, .	2	751 0 28	438 7 4	
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6.—*The King's County Estate.*

Barny.	Townland.	No. of Tenants.	Acres.	Rents.	—
Ballybrit, .	Ballywilliam, .	1	—	25 1 6	

7.—*The Dublin Property.*

Location.	Description.	Tenants' Names.	Rents.	Valuation.
County of City of Dublin, Parish of St. Mark, Great Brunswick-street.	House No. 41,	Messrs. Gregg and Mooney.	£ s. d. 12 13 0	
	House No. 43a,	Joseph Clarke,	12 5 10	
	House No. 43b,	Margaret Sherlock,	12 0 10	
	House No. 42a,	Catherine Sherlock,	12 0 10	
	House No. 40,	High School and Governor's House.	—	
Parish of St. Peter, Harcourt-street.			48 18 8	

Summary.

Property.	Acres.	Rents.	—
	A. R. P.	£ s. d.	
Tipperary,	3,090 1 8	1,865 10 1	
Limerick,	4,186 2 18½	3,593 18 8	
Galway,	2,415 2 38	2,752 10 8	
Sligo,	2,025 1 30	397 5 8	
Westmeath,	751 0 28	438 7 4	
	12,468 1 34½	8,057 7 5	
King's County, . . .	—	23 1 6	
Dublin,	—	48 18 6	
		9,109 7 5	

Part II.—*Money, Funds and Securities.*

1. The following sums of Government Stock standing in the Books of the Governor and Company of the Bank of Ireland in the names of "The Governors of the Schools founded by Erasmus Smith, Esquire."

Governor's Account,	4,522 4 7
Lord Enniskillen's Charity,	252 12 11
Sarah Stephenson's Legacy,	126 7 1
Governors of English Schools,	200 17 10
Treasurer's Pensions, &c.,	5,540 7 9
Land purchased by Trustees, &c.,	4,506 8 6
Total,	414,370 2 5

2. All due and accruing rents, interest, dividends, and other income of the Erasmus Smith Endowments up to the date of this Scheme.

EIGHTH SCHEDULE.

The Estates, Lands, and other Hereditaments conferred to Erasmus Smith under the Acts of Settlement and Explanation heretofore recited, A.D. 1665-E4.

COUNTY OF TIFTERARY.

Township.	Description.	Acreage.	Gelt Rents reserved by the Crown.
	Under 18th Charles II., 18, dated June 20th.		
	(1).		
Clonwilliam,	Farmacilla, all the West part,	35 1 12 (prof.)	1 7 12
	Do., more of the same,	71 3 0 (unprof.)	—
	Ardivilland or Ann,	54 0 0 (prof.)	—
	Do.,	507 0 0 (unprof.)	4 13 22
	Shrigangowse or Shlangowse, part of Bruice,	68 2 32 (prof.)	—
	Do.,	144 0 0 (unprof.)	2 3 8
	South Bruice, East part of,	68 2 32 (prof.)	—
	Carroon,	170 3 22 (unprof.)	2 11 11
	Burrowsowne Laffan,	149 2 16	2 5 4
	Greenrath,	176 2 16	2 13 7
	Wm. Hyne's, part of Tipperary,	116 2 16	1 15 4
	John Burke's, part of Tipperary,	584 1 8	—
	Parrenassy, Tulla, Farmacowsey, and certain houses and tenements in Buley,	183 3 8	0 12 21
	Ballyelard,	137 1 8	2 1 8
	Gortknockare,	310 3 24	4 14 5
	Gormacowsey and Knockitlan,	193 2 0	2 18 9
	Westlykeany,	257 3 24	2 18 4
	Garryshane,	58 2 0	0 17 9
	Middlelykeany,	14 8 24	0 4 6
	Eastlykeany,	42 0 8	0 12 9
Middlethorpe,	Eastlykeany,	34 3 8	0 10 7
	Lackanagallagillagh,	170 0 0	2 11 7
	Bohony,	63 1 8	0 19 2
	Glykeany,	57 0 16	17 3 3
	Do.,	127 0 0	1 18 6
	Ballyglantragh,	1,800 0 0 (prof.)	—
	Do.,	1,800 0 0 (unprof.)	—
	Clonaglass,	219 3 24	3 6 9
	Knockballynac, both parts,	177 0 16	2 13 9
	Killmacreege,	61 1 24	0 16 7
	Do.,	2,144 3 24	32 11 0
	Ballyglantragh,	37 3 8 (prof.)	—
	Do.,	1,000 0 0 (unprof.)	22 18 3
	Kilsallagh, part,	709 3 8 (prof.)	—
	Do., (more in),	509 0 0 (unprof.)	—
	Corangan,	325 2 32	5 0 3
	Rathvaneenagys or Rathvaneenagys,	183 2 16	2 4 7
	Thurlesbeg,	569 2 16	8 12 1
	Gort/Elin,	131 2 32	1 19 1
	Ballysheehayne,	225 0 16	3 8 4
	Glasmacree,	39 2 16	—
Middlethorpe,	Ashtwood, part of do.,	31 0 0	0 15 4
	Marshallstowne,	42 0 0	0 12 9
	Bansdrelly or Bunsdrelly,	67 1 24	1 0 6
	Clonmore,	40 0 16	0 12 1
	Newtowne,	66 3 8	1 0 4
	Lyonsdowne,	244 2 16	3 14 5
	Ballymacniska,	216 1 34	3 5 9
	Ballydagh,	170 0 16	2 11 7
	Stephanstownebeg,	43 2 0	0 13 2
	Do.,	—	—
	Do.,	—	—
	Do.,	—	—

COUNTY OF TIPPERARY—continued.

Barony.	Description.	Acreage.			Quit Rents reserved by the Crown.		
		A.	R.	P.	£	s.	d.
Middlethird— continued.	Ballydollymore,	56	0	0	0	17	0½
	Kilballyolly,	86	2	32	1	6	3½
	Millicove alias Windmill,	167	0	16	2	10	9
	Killicobbin,	66	3	18	1	0	4
	Stephenstownmore,	101	1	24	1	10	10
	Ballinacree alias Heathstowne,	519	0	32	7	17	9
	Ballinacree,	114	3	24	1	14	11
	Ballyronnyhackett and Ballyacminmore,	590	3	24	—	—	—
	Part of both,	662	2	0	17	1	0½
	Galle,	663	0	16	—	—	—
Sale's gr.,	Total quantity,	(prof.)	—	—	—	—	—
		68	1	8	—	—	—
		64	0	16	11	0	10½
	Total rent,	13,005	2	33	—	—	—
		(plant.)	—	—	—	—	—
		21,067	0	2	—	—	—
	Total rent,	(stat.)	—	—	197	10	1½
		—	—	—	—	—	—
		—	—	—	—	—	—
Under 21st Charles II., 66, Dec. 28th.							
(2).							
Glanwilliam, .	Several parcels of abbey land, with an old abbey, Rathkeensiragh, called Abby Lands,	64	0	0	0	19	5
	Abby land of Tipperary near Garrynevally, Ballyroney and Ballyroney,	34	0	39	0	13	5
	Abby land of Tipperary near Garrynevally, Ballyroney and Ballyroney,	9	3	6	0	3	0½
	Ballyroneybeg or Ballyroneybeg,	451	0	0	6	16	11½
	(prof.)	59	1	0	—	—	—
	Total quantity,	(unprof.)	—	—	—	—	—
		921	3	14	—	—	—
		(stat.)	—	—	8	11	9½
(4).							
Kilmananagh, .	To hold y ^e premises to y ^e use of his charity particularly expressed in the Habendum. Foolvarra,	100	0	0	—	—	—
	Drombane, y ^e eastern part of,	935	3	5	—	—	—
	Total quantity,	1,478	3	4	—	—	—
	Total rent,	(stat.)	—	—	10	10	7½
	To hold to y ^e aforesaid uses.	—	—	—	—	—	—
Under 21st Charles II., 35, dated May 15th.							
(5).							
Liskenry and Le. Ormond.	Liskenry, part of,	196	0	0	2	19	5½
	Do., remaining part of, and part of Ballinacree,	147	0	0	2	10	6½
	Ballinacree, remaining part of,	300	0	0	6	1	5½
	Total quantity,	643	0	0	—	—	—
	Total rent,	(plant.)	—	—	—	—	—
	Total quantity,	1,041	3	7	—	—	—
		(stat.)	—	—	12	0	5

COUNTY OF LIMERICK.

Borough.	Description.	Acreage.	Quit Rents reserved by the Crown.
Under 18th Charles II., 18, dated June 20th. (2).		A. R. P.	£ s. d.
Coomagh,	Coogie,	391 3 0	5 18 11½
Under 19th Charles II., 30, dated Nov. 3rd.			
Coomagh,	Killdiffe,	310 1 0 (prof.)	—
	Ballinleedy,	131 3 0 (unprof.)	—
	Knockmore alias Knockdoole,	132 2 6	—
	Liscane,	233 0 0	—
	Ballyrasney,	186 3 24	—
	Drumboy,	77 0 16 (prof.)	—
	Knocknacarrig, Gortnacarry, Gortnaguard, Leagher, Bollsagh, Ballycashowne, all parcels of Carrignegownagh.	8 0 0 (unprof.)	—
	Gortvally,	351 0 0	—
		173 2 0 (prof.)	—
		423 3 0 (unprof.)	—
Total quantity,		1,354 1 18 (plant.)	—
Total rent,		2,193 3 12 (stat.)	—
		—	20 11 4
Under 21st Charles II., 66, dated December 28th. (3.)			
Ballynacloghy, 1½ plow ^a , Pallies and Kearnemagh, Moynore, plow ^a (part), Liscane als Liscane, part of Ballycormac, Land in controversy betwixt the Gleabe and Knockderick. Gortnacarryne, Total quantity, Total rent,	127 1 3	1 18 7½
		410 2 16	6 4 7
		81 2 16 (prof.)	1 4 9
		29 2 32 (unprof.)	—
		44 0 10	0 13 4½
		19 0 0	0 5 9
		8 0 0	0 2 5
		1,118 1 38 (stat.)	—
		—	10 9 6
		Under 16th Charles II. 18 dated June 20th. (3.)	
Deeco,	Branganstowne,	310 1 16	4 5 1½
Under 21st Charles II., 35, dated May 15th. (1.)			
Slane,	Bryansdowne,	84 0 0	—
		126 0 0 (stat.)	1 14 0
To hold this for the life of Oliver Lord Lowth, and no longer.			

COUNTY OF MEATH.

Survey.	Description.	Acreage.			Quit Rents reserved by the Crown.		
		£.	s.	d.	£.	s.	d.
Meehan, . . .	Dutkertowne,	36	1	0	1	19	9
		(plant.)					
Deane, . . .	Gallstowne,	169	0	32	—		
		(stat.)					
Deane, . . .	Kenningstowne,	241	0	0	4	17	7
		240	0	0	4	17	2
	To hold these for the life of Hugh Hussey, and no longer.						

COUNTY OF LOUTH.

Under 18th Charles II, 18, dated June 20th (4.)							
Ferrar, . . .	Johnstowne (part),	95	1	0	1	18	7 1/2
		89	2	0	1	18	7 1/2
Ferrar, . . .	Michaelstowne or Michelstowne,	109	0	0	2	4	1 1/2
		109	0	0	2	4	1 1/2
Ferrar, . . .	Maynestowne,	120	0	0	2	8	7 1/2
		184	3	0	3	14	10 1/2
Ferrar, . . .	Wine or Bonastowne and Downstowne,	184	3	0	3	14	10 1/2
		347	0	0	7	0	6 1/2
Ferrar, . . .	Ardfalan,	174	0	0	3	10	8 1/2
		200	3	0	4	1	3 1/2
Ferrar, . . .	Tongher,	79	1	0	1	13	1 1/2
		98	1	0	1	18	9 1/2
Ferrar, . . .	Kilbally,	101	0	0	2	0	10 1/2
		(prof.)					
Ferrar, . . .	Smithstowne,	56	0	0	—		
		(unprof.)					
Ferrar, . . .	Ardfola,	152	0	0	3	1	6 1/2
		278	3	0	5	12	10 1/2
Ferrar, . . .	Rathdrumstowne,	110	0	0	2	4	6 1/2
		382	1	0	11	18	7 1/2
Ferrar, . . .	Dardinstown,	127	3	0	2	11	9 1/2
		38	0	0	0	15	4 1/2
Ferrar, . . .	Fryerstowne (part),	139	2	0	2	16	5 1/2
		137	0	0	2	15	5 1/2
Ferrar, . . .	Miltowne,	228	1	0	4	11	5 1/2
		216	2	0	4	7	8 1/2
Ferrar, . . .	Tullagh,	249	0	0	5	0	10 1/2
		250	0	0	5	1	3 1/2
Ferrar, . . .	Duff's land in old Termenfeon,	114	2	0	2	6	4 1/2
		181	5	0	3	13	7 1/2
Ferrar, . . .	Castlece and Glassgill,	134	1	0	2	14	4 1/2
		65	3	0	1	6	6 1/2
Ferrar, . . .	Brownstowne (part),	242	2	0	5	6	3 1/2
		234	2	0	4	14	11 1/2
Ferrar, . . .	Phillisstowne alias Ellistowne,	159	1	0	3	4	6 1/2
		157	0	0	3	3	7 1/2
Ferrar, . . .	Cartonstowne,	114	0	0	2	6	2 1/2
		73	1	0	1	9	6 1/2
Ferrar, . . .	Gaulstowne,	134	1	0	2	14	4 1/2
		58	1	0	1	7	7 1/2
Ferrar, . . .	Swinestowne,	61	0	0	1	4	8 1/2
		56	3	0	1	2	5 1/2
Ferrar, . . .	Macilistowne,	301	2	0	6	1	2 1/2
		168	0	0	6	8	0 1/2
Ferrar, . . .	Barren,	412	2	0	8	7	0 1/2
		210	2	0	4	5	3 1/2
Ferrar, . . .	Athclare,	138	2	0	2	12	0 1/2
		414	0	0	8	7	7 1/2
Ferrar, . . .	Tullaghastowne,	(prof.)					
		(unprof.)					
Ferrar, . . .	Castletowne Mullary,	7,778	2	16	—		
		(plant.)					
Ferrar, . . .	Riverstowne,	12,596	2	54	—		
		(stat.)					
Ferrar, . . .	Carriestowne,	—			157	8	2
Ferrar, . . .	Cloghboole,						
Ferrar, . . .	Oakstowne,						
Ferrar, . . .	Priestowne,						
Ferrar, . . .	Rathwyr,						
Ferrar, . . .	Castlemanny,						
Ferrar, . . .	Teynane,						
Ferrar, . . .	Rathdonnell,						
Ferrar, . . .	Carriaghagh,						
Ferrar, . . .	Total quantity,						
Ferrar, . . .	Total rent,						

COUNTY OF GALWAY.

Barony.	Description.	Acreage.	Quit Rents received by the Crown.
Liberties of Galway.	Under 19th Charles II., 30, dated Nov. 3rd. (1).		
	Barroghollogh, with a mill, some houses, an old abbey, several cabins and gardens.	A. R. P. 5 1 0	£ s. d. —
	One small parcel by Ballybridge.	1 2 0	—
	Several small parcels in Boonmore and Boon- beg.	86 2 10	—
	Myle Bush,	7 2 0	—
	Boonmore,	68 0 0	—
		260 1 0	—
	Ballybane and Glenayle,	(prof.) 30 0 0	—
	Westmurragh,	(unprof.) 117 0 0	—
	The Murragh, being one qr. of Dubackie,	88 1 0	—
		27 0 32	—
	Murraghbeg,	(prof.) 42 1 0	—
		(unprof.) 180 1 0	—
	Ballybritia,	(prof.) 20 0 0	—
		(unprof.) 169 0 0	—
	Roscam,	(prof.) 7 1 0	—
		(unprof.)	
	Total quantity,	1,010 3 2	—
		(plant.) 1,437 1 2	—
	Total rent,	(stat.) —	10 4 8

COUNTY OF SLIGO.

Carbury,	Under 19th Charles II., 30, dated Nov. 3rd. (3).		
	Glansery,	77 3 18	—
	Farrenmurry,	48 1 8	—
	Farrenfubbell,	127 1 24	—
	Total quantity,	253 2 4	—
Carbury,		(plant.) 410 2 27	—
	Total rent,	(stat.) —	2 11 4
	Under 21st Charles II., 66, dated Dec. 28th. (1).		
	Lisnahelly, in 1 st N.E. side of,	84 0 3	0 17 1
		(prof.) 180 0 0	—
Carbury,	More in 1 st same,	(unprof.) 112 1 8	1 2 3
	Glancarberry, in 1 st N.E., part of, towards the mountain.	210 0 35	2 2 8
	Loughkineilly,	325 1 11	3 6 8½
	Total quantity,	1,185 3 35	—
	Total rent,	(stat.) —	7 8 2½

COUNTY OF KILDARE.

County.	Description.	Acres.	Quit Rents reserved by the Crown.
	Under 21st Charles II., 35, dated May 15th.		
	(2).		
Salt,	Killadown, To hold this for the life of Oliver Lord Howth only.	A. R. P. 230 0 0	£ s. d. —
		372 2 9 (stat.)	4 15 0

KING'S COUNTY.

	Under 21st Charles II., 35, dated May 15th.		
	(3).		
Ballyheitt,	Ballyhean and Magherard,	108 1 0	2 3 0
	Killicanosee,	166 0 0	3 7 2
	Lyagh,	103 0 12	2 1 8
	Lower Ballyhean,	111 3 0	2 5 2
	Killoger,	78 0 0	1 11 6
	Carrowagh,	97 3 0	1 19 7
	Clontarfina alias Killicanosee,	30 2 0	0 12 4
	Dongownagh and Aghladagh, part of,	57 1 0	1 3 1
		752 1 12	—
	Total quantity,	(plant.) 1,218 2 15	—
		(stat.)	—
	Total rent,	—	15 4 7½

QUEEN'S COUNTY.

	Under 21st Charles II., 35, dated May 15th.		
	(4).		
Tashinch,	Coolinow,	46 3 0	0 18 11
	Killicanosee, part of, next Killoger,	128 0 0	2 11 10
	Ballynenny and Aghavane,	79 1 18	1 19 4½
		254 0 18	—
	Total quantity,	(plant.) 440 3 0	—
		(stat.)	—
	Total rent,	—	5 0 1½

COUNTY OF ROSCOMMON.

	Under 21st Charles II., 35, dated May 15th.		
	(6).		
Athlone,	Oarraghmoreagh, part,	109 0 0	—
		176 2 9 (stat.)	1 2 5

SUMMARY.

County.	Charter.	Acres, Statute Measure.	Quit Rents reserved by the Crown.
Tipperary,	18th Charles II., 18,	21,667 0 2	197 10 1½
	21st Charles II., 66,	921 3 14	6 11 9½
	21st Charles II., 66,	1,678 3 4	10 10 7½
	21st Charles II., 83,	1,061 2 7	12 0 5
	Totals,	24,709 0 28	226 13 0

SUMMARY—continued.

Charter.	County.	Average, Statute Measure.	Quit Rents reserved by the Crown.
		A. R. P.	£ s. d.
Limerick,	18th Charles II., 18,	391 3 0	5 18 11½
	19th Charles II., 30,	2,193 3 12	20 11 4
	21st Charles II., 66,	1,116 1 38	10 9 6
	Totals,	3,704 0 10	36 19 9½
Meath,	18th Charles II., 18,	210 1 16	4 6 1½
	21st Charles II., 35,	169 0 32	1 19 9
	Totals,	369 2 8	6 4 10½
Louth,	18th Charles II., 18,	12,396 2 64	137 8 2
Galway,	19th Charles II., 30,	1,637 1 3	10 4 4
Sligo,	19th Charles II., 30,	410 2 27	2 11 4
	21st Charles II., 66,	1,165 3 33	7 8 2½
	Totals,	1,495 2 22	9 19 6½
King's,	21st Charles II., 34,	1,216 2 13	16 4 7½
Queen's,	21st Charles II., 34,	440 3 0	5 0 1½
Down,	21st Charles II., 35,	174 2 9	1 9 6
Gross Totals,		46,449 1 7	471 4 3

Draft Scheme prepared and published by the Commissioners in pursuance of the Act, sec. 21.

N. D. MURPHY,

Secretary.

May 14, 1892.

No. I. (c.)

OBSERVATIONS of Lord Justice FRIZZELL, Judicial Commissioner, upon the DRAFT SCHEME.

In preparing Draft Schemes under the Educational Endowments (Ireland) Act, 1885, the five Commissioners act together, with equal responsibility and authority.

At the expiration of two months after the Publication of the Draft Scheme, it becomes the duty of the Judicial Commissioners, alone, to consider any objections and proposed amendments which may be received, and thereupon, "if they think fit," to frame a Scheme "in such form as they think expedient, and submit it for the approval of the Lord Lieutenant in Council." Every Scheme so submitted must be signed by both the Judicial Commissioners under their hands.

I have so far approved of every Draft Scheme hitherto published by the Commission, that, subject to judicial consideration of any objections or amendments, I was prepared to sign a Scheme framed upon its principles.

As at present advised, I am unable to accept Draft Scheme, No. 144, for the Erasmus Smith's Endowments. It has been prepared by a majority of the Commission without my concurrence, and against my present opinion upon several important points. I deem it my duty to direct the attention of all parties interested to the principal questions upon which I shall require to be satisfied before I can sign the Scheme. When the period for lodging objections and proposed amendments has expired, full opportunity will be given, according to our practice, for the public discussion of the Draft Scheme. I am to be understood as not now anticipating the final determination of questions still *in judicio*, but as informing the parties concerned of my present impressions, with regard to the chief questions upon which I desire to invite assistance, in determining whether the Draft Scheme should be modified, and whether, if not modified, I should decline to sign it, or should join in submitting

it to the privy Council, in order to obtain a decision of that authority, with an opportunity of recourse to the several Houses of Parliament, for the final settlement of the matutordin dispute.

There are many matters of detail which may be conveniently and effectively dealt with when we come to consider the Scheme. As to these, I do not now propose to make any remarks, and I confine myself to the most material points upon which my present opinion differs from that of the majority of my colleagues.

1.—*The Denominational Question.*

Immediately after our Commission entered upon its duties, a claim of exemption was put forward by the Governors, upon the ground that the Act did not apply to Erasmus Smith's Endowments, because they were, within sec 7 (f), applicable and provided exclusively for the benefit of persons of a particular religious denomination, and were under the exclusive control of persons of that denomination. This claim was afterwards withdrawn.

We then took evidence as to the Governing Body, the Schools, and the Endowments, and on May 19, 1886, we heard Counsel for the Governors, the Catholic Head Masters Association, the Presbyterian Intermediate Education Committee, and the Wesleyan Methodists.

In subsequent years we held public inquiries at the Grammar Schools, and in the neighbourhood of the estates. On these occasions we heard local representatives of the Roman Catholic and other denominations.

Having concluded these preliminary inquiries, and obtained detailed information from the Governors, we discussed the principles of a Draft Scheme. The result is to be found in the Resolution, dated November 9, 1889, set out in our Report, 1889-90, p. xxxii.

"The Secretary was directed to prepare a Draft Scheme upon the following basis:—

"1. That it is an Endowment of private foundation, and therefore the Scheme must have regard to the Founder's intentions.

"2. That in the opinion of the majority of the Commissioners" (including both the Judicial Commissioners), "having regard to those intentions, the Governing Body should be exclusively Protestant, subject to a question to be further discussed as to the admission of various denominations of Protestants to the Governing Body."

These resolutions were embodied in our Report to the Lord Lieutenant, 1889-90, p. v., and I have not changed my opinion, formed with the concurrence of Lord Justice Naish on consideration of the legal authorities, that the Draft Scheme ought to have been framed on the basis then defined.

In consequence of the illness and resignation of Lord Justice Naish, the preparation of the Draft Scheme was postponed, and when the matter was next brought up for discussion, the majority of the Commission as at present constituted departed from the resolution of November 9, 1889, negatived my motion—

"That due regard to the spirit of the Founder's intentions require the constitution of the Governing Body to be exclusively Protestant;—

and adopted "a neutral or mixed Governing Body" as the basis of the Scheme.

The evidence of the intentions of the Founder, both as to the religious character of the education to be given in his schools, and also as to the relative importance which he attached to the education of the children of his tenants, and to confining his Schools to pupils who accepted Protestant teaching, is exceptionally distinct. The Rules which he prescribed, the power which was reserved to him by the Charter,

of Charles II. of altering these rules during his life, and the prohibition against subsequent alteration by the Governors, are supplemented by proof of the active personal part taken by Erasmus Smith himself in the management of the Schools, and particularly by the letter dated June 6th, 1682, in which he states:—

"My end in founding the three Schools was to propagate the Protestant faith according to the scriptures, avoiding all superstition, as the Charter, and the By-laws and Rules established, do direct."

The series of Acts of Parliament, Reports of Commissions, and other documents dealing with the Endowments—especially the Reports of the Commission of 1854-5, and of the "Powe Commission"—appear without exception to recognise the exclusive Protestant character of the Endowments.

The Commission of 1854-5 classifies the Schools as "Exclusive Schools, into which pupils of only one 'religious persuasion have a right of admission,' and that Commission recommended that the Governors should carry out the directions of the Founder as to Religious Instruction.

The Powe Commission says—"About the exclusive religious character of these Schools in the mind of the Founder there is no room for doubt."

The question whether Erasmus Smith had any intention of excluding Non-conformist Protestants, any further than the laws of the day compelled him, is one of difficulty. Further evidence bearing upon this question is to be desired. Proof of the denominations to which the Governors appointed by the Founder belonged, of the grounds for preferring Primate Usher's Catechism, which he prescribed, to the official Catechism of the Established Church, with fuller information as to the laws regulating schools, and the appointment of schoolmasters, at the time, as explaining the restrictions imposed by the various Charters, might assist in determining this question.

I was prepared to concur in the preparation of a draft scheme admitting all denominations of Protestants to share in the benefits and government of the Endowments, reserving this important question for further discussion. But my proposal was negatived by the majority of the Commissioners who adopted the "neutral or mixed" basis for the Governing Body.

2. *Mode of dealing with the Roman Catholic Claims.*

If I were satisfied that Roman Catholics, having regard to the Founder's intentions, were entitled to share the benefits of the Endowments, I should still not be satisfied with the Draft Scheme. I believe, so far as it admits them at all, it does so in a form and under conditions proved by every authority who has appeared before the Commission to be repugnant to Roman Catholic principles. Whenever I have been satisfied that a valid claim existed, I have felt it my duty to endeavour to satisfy that claim in a manner satisfactory to those who had established it. The present Draft Scheme seems to me to be one with which no religious person of any denomination ought to be content.

The Grammar Schools, the chief objects of the foundation, are to be maintained as Boarding Schools; they are to be placed under a "neutral or mixed" Governing Body, so formed that the proportions in which Roman Catholics and Protestants are to be represented cannot be forced. No provision is made as to the religious denominations either of the teachers or of the pupils. The Governors may from time to time make such provision for the religious instruction of the pupils as they shall think fit, they must give it with due regard to the denominations to which the pupils respectively belong, no pupil is to be permitted to receive any religious instruction to which his parents object, and no pupil declining to

receive religious instruction is to be thereby in effect excluded, directly or indirectly, from any of the other advantages afforded by the Schools.

I know no instance in which this system has been applied to a Boarding School, nor any in which it has been accepted by Roman Catholics even in a Day School, and I am not satisfied either to accept it for Protestants, or to offer it to Roman Catholics as a satisfaction for any claim they may have.

3. *Constitution of the Governing Body.*

Besides the religious objection, the proposed constitution of the Governing Body seems to be open to other observations. It departs from the principle sanctioned by the Privy Council in the cases of the Hibernian Marine Society, and of Morgan's School, Castleknock, that the appointments, as ex-officio Governors of Schools, of judicial and other public functionaries, whose duties were unconnected with Education, was inexpedient. In the present case it is proposed that seven deputies, of unspecified qualifications, may be appointed by the ex-officio Governors at their own pleasure, while the Lord Lieutenant can appoint but five Governors, who must be specially qualified persons. The University of Dublin and Trinity College are represented by three Governors, while the Royal University, with its affiliated Colleges, has seven representatives. One of these is to be elected by the Fellows teaching in "University College, Dublin," an Institution as to which we have no information except what may be found in *Town's Directory*, page 808, where its claims to representation in the administration of Erasmus Smith's Endowments do not appear to be preferable to those of St. Patrick's College, Maynooth, or of the Catholic University of Ireland, to which it belongs.

I have been unable to form any definite idea, from the vague provisions of the Scheme, as to the character of the management under which it is proposed to place the various Schools, or as to the qualifications for Exhibitions, or as to the Institutions in which free scholars may be maintained, or as to the conditions upon which grants in aid may be given for Intermediate Education. Greater precision in defining these and many other matters in connection with the Endowments would seem to be necessary, and the attempt to attain it would probably develop further difficulties in the way of any Scheme constructed on the "neutral or mixed" basis.

4. *Reforms Suggested.*

The smallness of the amount spent by the Governors, out of their large Endowment, in maintaining Grammar School Education, the primary object of the Founder, has impressed me with the necessity for improvement in the existing system. The most successful Schools, including the Dublin High School, receive proportionately little, and the most valuable educational work now done by Erasmus Smith's Schools is but inadequately represented in the expenditure of his Endowments. The outlay upon University Exhibitions is not confined either to poor scholars, or to those still in *stima puerorum*. The cost of maintaining the pupils of King's Hospital appears larger than it would be, having regard to the benefits received.

The Expenditure upon the English Schools appears to be useless, if not injurious. Almost all the remaining Schools would be entitled, even on their present attendance, to grants from the Commissioners of National Education greater than the sums annually drawn for their support from Erasmus Smith's Endowments. We have received evidence in all parts of Ireland that placing such Schools in connection with the Commissioners of National Education is almost invariably followed by a marked increase in numbers, and by increased efficiency, both in secular and religious teaching. I may instance the evidence given at Limerick, Portarlington, and Bancom, to show that the maintenance of poorly Endowed Schools, without State aid inspection or control, not only places the children attending them at a disadvantage, but also sends many children belonging to the Church of Ireland to Schools under the management of members of other denominations.

I am desirous anxiously to consider proposals to utilise the funds now expended upon the English Schools, in promoting the University or Grammar School Education of pupils coming within the scope of the Founder's intentions, in those localities where Intermediate Schools do not now exist, or cannot be efficiently maintained, and where even a small amount of endowment judiciously administered would supply a want to which this Commission has again and again directed attention.

GERALD FERGUSON.

May 12, 1882.

No. I. (d.)

OBSERVATIONS by Dr. MOLLOY, one of the Commissioners, on the DRAFT SCHEME for the ADMINISTRATION of the ENDOWMENT of ERASMUS SMITH.

It is stated in the last sentence of the memorandum which accompanies the Draft Scheme, that the Scheme "aims at securing for the children on the estates of Erasmus Smith, some of the advantages which the founder intended to bestow, but of which they have hitherto been unable to avail themselves." I entirely accept this statement; and because I believe that the Scheme, if passed, will confer substantial benefits on the children of the estates, and thus carry out, to some extent, the benevolent intention of the founder, I have taken an active part in the preparation of it, and fully concur in its publication. But I feel bound to say, at the same time, that, in my opinion, the Scheme does not go far enough. I think it should secure, for the children on the estates, not some of the advantages only, but all the advantages, which the founder intended for them.

The Scheme, in fact, is open to the grave objection

that it fails to give due effect to the 13th section of the Act under which our Commission is constituted. This section directs "that when the founder of any educational endowment has expressly provided for the education of children belonging to the poor classes, either generally, or of a particular class, or within a particular area, . . . such endowment for such education shall continue, so far as respects, to be applied for the benefit of such children." Now, the founder of the endowment under consideration expressly provided for the education of "the poor children inhabiting upon any part of his lands in Ireland;" together with a limited number of other poor children living in the neighbourhood of these lands. When it is remembered that the lands are scattered over thirteen baronies, situated in nine different counties, and comprise, in all, more than 48,000 acres, it can hardly be denied that the endow-

ment provided by the founder may be usefully applied to the education of the children thus expressly designated. And my objection is, that in the Draft Scheme, as published, only a small portion of the endowment is so applied; while the greater part is devoted to other objects, excellent, no doubt, in themselves, but different from the object so distinctly set forth by the founder. I propose to develop this argument, in the following pages, as briefly as the important nature of the subject-matter will allow.

To proceed in order, I will first endeavour to bring out, as clearly as I can, from the original documents, what was the particular class of children for whose education the endowment was founded. Then I will show, from the evidence taken by the Commission, that hardly any part of the endowment is, at present, applied to the education of that particular class. Next I will examine how far the Draft Scheme proposes to restore the endowment to the education of that class, and how far it proposes to perpetuate its application to other purposes. And, lastly, I will consider the argument of those who held that the endowment should not be applied for the benefit of the particular class for whom it was intended by the founder.

I.—The Particular Class for which the Endowment was intended.

The first document, which declares the object and purpose of the endowment, is the Indenture of December 1, 1657. In this Deed, Erasmus Smith sets out by saying that he is moved by "the great and ardent desire which he hath that the poor children inhabiting upon any part of his lands in Ireland should be brought up in the fear of God and good literature, and to speak the English tongue." To give effect to this desire, he directs that his trustees shall cause five school-houses to be built; and he fixes the locality for each school, which, in every case, is either on his lands or in the immediate neighbourhood thereof. He then again declares his intention as to those who are to have the benefit of education in these schools:—"And the intentions of all parties to these presents is that the children of the poor tenants inhabiting on the lands aforesaid, and the children of such as are poor, or lived by their labors, are to be taught at the said schools free, and without paying anything for their teaching to the said masters."

The Indenture then sets out the intention of providing, from the remainder of the endowment, as far as it will reach, University Exhibitions of £10 each, for "such of the said tenants on the said lands their children as shall be made fit for the University or Trinity College near Dublin." And it adds:—"Provided that, in the first place, the children of the tenants and inhabitants of the said land, and after the lands of the said Erasmus Smith, and his heirs, to be provided for, and after them such as shall be educated in the said schools, being poor, and for want of such, for the relief of other poor scholars as in the judgment of the said trustees . . . shall be held fit to receive the same."

Next, in order of time, we have the Letters Patent of King Charles II., bearing date November 3, 1657, which grant and confirm certain lands, constituting the endowment of Erasmus Smith, to the trustees named therein, and which specify the purposes to which the income thereof should be applied. After directing that payment should be made to the schoolmasters appointed by Erasmus Smith, the Letters Patent provide that the said schoolmasters "shall, without fee or reward, instruct the children of poor persons dwelling on any of the lands aforesaid, or on any lands belonging to the said Erasmus Smith, or within two English miles of the said schools." Later on, provision is made that the trustees shall "employ all the residue of the said rents and profits of the premises, in pensions or exhibitions

to such poor scholars, to be educated in the said schools, as shall become students in the said University or College [Trinity College], not exceeding 28 a piece yearly, for the space of seven years; . . . and for want of such poor scholars, to other poor scholars in the University or College aforesaid; . . . provided always that the children of poor inhabitants on the lands of Erasmus Smith, his heirs or assigns, shall upon request be preferred to the said yearly pensions or exhibitions in the said College or University, before any other."

Lastly comes the Royal Charter of Charles II., dated March 26, 1659, which incorporates the Trustees, under the title of the Governors of the Schools founded by Erasmus Smith, Esq., and which finally settles the Trust under which the Endowment was to be administered. This Charter provides for the founding of three Grammar Schools, one in the town of Drogheda, another in the town of Galway or its suburbs, and a third in the town of Tipperary; these being three of the places already named in the Indenture. It then ordains that these Schools shall be from thenceforth, for ever, "employed and used as free Schools for the teaching and instructing of needy and poor children or scholars who shall dwell or inhabit within two English miles of the said respective Schools, and also for the teaching and instructing of all and every of the children of the tenants of the said Erasmus Smith, his heirs, executors, or assigns, at whatever distance sever from the said School such tenants shall dwell or inhabit."

These three documents, that is the Indenture of 1657, the Letters Patent of 1657, and the Charter of 1659, are the deeds by which the Endowment of Erasmus Smith was founded; and they show, on authority that cannot be questioned, what was the particular class of children for whose education the Endowment was intended. They differ from one another in some minor particulars, but they agree in substance, and the substance is, that the Endowment was founded:—

(a.) To provide free school education for all the poor children living on the lands of Erasmus Smith in Ireland; and for a limited number of poor children living within two miles of the schools;

(b.) To provide University Exhibitions out of the residue of the Endowment, as far as it would reach, first, for the poor children living on the lands of Erasmus Smith, who should be found fit for University Education; next, in default of such, for other poor children educated in the schools of Erasmus Smith; and lastly, in default of both classes, for the poor scholars of Trinity College or the University of Dublin.

II. APPLICATION OF THE ENDOWMENT UNDER PRESENT ADMINISTRATION.

I now pass on to consider how far the Endowment as at present administered, is applied for the benefit of the particular class of children for whom it was intended. It is divided, chiefly, between (a) the Grammar Schools, under which I include the two Dublin Schools; (b) King's Hospital, commonly called the Pine Coast Hospital; (c) Trinity College, Dublin; (d) the English or Elementary Schools. The following Table, made up from a return furnished to us by the Governors, shows the average annual expenditure under each of these heads, during the five years 1887-91.

	£
Grammar Schools, about . . .	2,629
Pine Coast Hospital, about . . .	643
Trinity College, about . . .	805
English Schools, about . . .	1,732
Total, . . .	

* This passage is taken from a verified copy of the Letters Patent, obtained from the Record Office of Ireland, p. 7.

To begin with the Grammar Schools. It appears, from the evidence taken by the Commission, that no record is kept of the number of children from the lands of Erasmus Smith who receive their education in these schools. But two things are quite apparent: (1) that no measures are taken by the Governors to bring home the benefit of the Endowment, in any special way, to the children on the estates; and (2) that the number of such children getting their education under the Endowment is extremely small.

The Vice-Chancellor, who appeared before the Commission on the part of the Governors, was asked—“What proportion of the pupils in the Schools, at present, are tenants' children?” and his answer was—“I don't think there are any.” Dr. Bagg, the Head Master of the Galway School, where at the time of our visit there were eighty pupils, was asked—“How many boys have you who are sons of tenants?” and he answered—“I don't know. They never mention that in their applications, or seldom. I know I have one or two, but there may be more.” In the School at Tipperary, which is situated in the immediate neighbourhood of the most extensive and valuable of the estates, the following evidence was given by the Head Master, the Rev. Dr. Lindsay:—

Dr. TRAILL.—Where are the Erasmus Smith estates, do you know—in this neighbourhood?—I believe so, but I don't know for certain.

Is not the School built on the property of Erasmus Smith?—Yes.

Do you know whether there is any adjoining property of his?—I know Salshead belongs to it, and that is about two miles distant.

Have you ever had any applications from sons of tenants to be admitted?—Not to my knowledge.

Not as far as you know either, on the form of application, or elsewhere, do the tenants appear to have any additional claim on the Endowment beyond any one else?—No.

It will naturally be asked what explanation is offered, on the part of the Governors, for this complete failure to bring home the benefits of the Endowment to the children of the tenants, for whom it was originally founded. The explanation was given by the Vice-Chancellor, in his evidence before the Commission in Dublin.

A question was put to him then:—“Erasmus Smith declares that he intended, by this Endowment, to provide education for the children of his tenants; why would you not, then, take some measures to make the education you give available for the children of the tenants?”

He answered:—“Well, really, as regards the children of the tenants, we never had any occasion to consider the question; the schools have become now schools of a higher class than tenants would very much care to send their sons to, and there are no tenants in the neighbourhood of any of our schools that have applied to send their children there as tenants' children.”

Here, then was the case with which the Commission was called upon to deal under the Act of Parliament. An Endowment was founded, in the most expensive terms, for the education of a particular class of children inhabiting a particular area. Under the Endowment, a number of schools are maintained by the Governors. And when the representative of the Governors is asked, what proportion of the pupils attending the schools belong to the particular class for which the Endowment was intended, he says, *I don't think there are any*. When further asked why the Governors do not take measures to make the education, provided under the Endowment, available for the children for whom it was intended, he says that they never had any occasion to consider the question; that the schools had become of a higher class than the tenants would care to send their sons to; and so they did not send them.

There is one feature in the history of these schools

which calls for special notice. It is not merely that an Endowment, which was intended for one particular class of children, has been diverted to another, but that an Endowment which was intended for the free education of the poor has been diverted to the education of those who are comparatively speaking rich. The Head Master of Exeter School was asked—“To what class in life do the boys belong?” and his answer was—“They are nearly all of the upper classes; I mean the professional classes.” According to the returns furnished to us by the Governors, in the year 1861, the fees charged are generally about 50 guineas a year for boarders, and from 6 to 12 guineas a year for day boys. A few boys in each school are received free on day pupils, but they bear a very small proportion to the total number. In Dumphryn, there were 3 free pupils out of 48; in Tipperary, 4 out of 62; in Galway, 12 out of 81; in Exeter, 1 out of 31; in the High School, Harcourt-street, 20 out of 277; and in Great Brunswick-street, 15 out of 64. Thus there were, in all, only 65 free pupils out of an aggregate of 963. If we leave out the Dublin Schools, which from their situation are practically inaccessible to the children of the tenants, the total number of free pupils receiving education under the Endowment, at the time of these returns, was only 20.

I will deal very briefly with the other purposes to which the Erasmus Smith Endowment is applied. The Irish Coast Hospital receives annually 2640, or thereabouts, for the board and education of twenty poor boys. These boys are nominated by the Governors, but they are not selected from the children of the tenants on the lands of Erasmus Smith. The maintenance of the English or Elementary Schools involves an average annual expenditure of about £1,730. These Schools are scattered generally over Ireland, and a glance at the list, which is given in the Second Schedule appended to the Draft Scheme, will show that they have not been established with any special view to the tenants of Erasmus Smith. The amount annually paid to Trinity College may be divided into two parts. First, there is a sum of £180, which is paid under the Act of 1733, and which, being administered by the authorities of Trinity College, is exempt from the jurisdiction of this Commission. On this part, therefore, I make no remark. The remainder, amounting to about £435, is expended partly in augmenting the salaries of certain Professors and Lecturers, and partly in providing Exhibitions. Some of the Exhibitions are given to pupils who have been educated at the Schools of Erasmus Smith, and some of them are given to other Students of Trinity College. But the provision of the founder that, in the awarding of these Exhibitions, the children of the tenants on his lands are to get a preference over all others, is not carried out. It is hardly necessary to say that the Professors and Lecturers, whose salaries are augmented from the Endowment, are not chosen from the children of the tenants.

III.—Application of the Endowment proposed in Draft Scheme.

The application of the Endowment proposed in the Draft Scheme, though somewhat complicated in matters of detail, may be stated generally in a few short paragraphs.

I. The Scheme authorizes the Governors to continue the expenditure on the Grammar Schools; but it contains no effective provision to secure that the benefits of these Schools shall be made more generally available to the children of the tenants. This I regard as a serious defect. The annual expenditure under this head may be roughly estimated at £2,600.

II. The Scheme authorizes the Governors to continue the grant to the Irish Coast Hospital, for the maintenance and education of twenty poor boys, as Free Scholars. It provides that, in the selection of these Free Scholars, the children of tenants on the estates shall be preferred. But as it is well known

that the great bulk of the tenants would refuse to let their children go to the Blue Coat Hospital, this provision is little more than illusory. The expenditure under this head would probably be about £250 a year.

III. The grant of £180 a year to Trinity College, which is exempt from the jurisdiction of this Commission, is, of course, left untouched. The payment on account of Exhibitions is to be continued to the amount of about £353 a year, and a provision is introduced that, in the awarding of these Exhibitions, the children of the tenants are to have a preference. But as it is also provided that the award is to be by competition, it seems to me that the provision in favour of the children of the tenants would practically have no effect.

IV. The Scheme provides that 40 Exhibitions, of £15 each, tenable for two years, shall be offered each year for competition amongst the children of the Elementary Schools within the districts in which the lands of Erasmus Smith are situated. This seems to me an admirable provision. It is entirely in accordance with the spirit of the founder's intention, and, so far as it goes, it brings home the benefits of the Endowment to the particular class of children for which it was intended. The amount that may be expended under this provision, if fully carried out, is £1,200 a year.

V. The Scheme directs the Governors to set apart each year a sum not exceeding one-sixth part of the income of the Endowment, and from this sum to make grants in aid for the establishment and maintenance of Intermediate Schools in any part of Ireland in which they shall think that sufficient provision for Intermediate Education does not already exist. This would be an excellent provision, if the Endowment had been founded for the purpose of promoting Intermediate Education all over Ireland. But I have shown that it was founded for the benefit of a particular class, inhabiting a particular area; and so long as it can be usefully applied to the education of that particular class, I hold that the distribution of it over other parts of Ireland is inconsistent with the thirteenth section of our Act. If, however, the provision were limited to the districts in which the lands of Erasmus Smith are situated, I think it would be one of the best provisions in the Scheme, and entirely in accordance with the spirit of the founder's intention. The maximum sum applicable under this head, so long as the income of the Endowment remains at its present level, would be about £1,500.

VI. The Scheme directs the Governors to set apart, each year, a sum not exceeding one-twelfth part of the income of the Endowment, to maintain University Exhibitions, of £40 each, tenable for two years, in any University College, approved for the purpose by the Governors. These exhibitions are to be awarded, according to merit, among the pupils of the Schools maintained or aided by the Governors from the Endowment. This provision, considered in itself, seems to me excellent. But it is seriously vitiated by the fact that schools may be aided by the Governors in any part of Ireland, as was explained in the last paragraph. Therefore, these University Exhibitions may be awarded to boys from all parts of Ireland; and thus an endowment, provided for a particular class inhabiting a particular area, would be extended to the whole country. The maximum amount that may be expended under this head is about £400 a year.

Thus it appears that, if the Draft Scheme should become law, the annual distribution of that portion of the Endowment which is subject to the jurisdiction of this Commission, would be somewhat as follows, provided that the income is sufficient to meet fully all the purposes of the Scheme:—

I. Grammar Schools, about, . . .	£ 5,500
II. Blue Coat Hospital, about, . . .	250
III. Trinity College, about, . . .	250
IV. School Exhibitions, about, . . .	1,200
V. Grants in Aid, about, . . .	1,500
VI. Open University Exhibitions, about, . . .	400
Total, . . .	£11,100

If the income of the Endowment should be insufficient, in any year to meet the whole of the above expenditure, it is not very clear what would happen. But it seems most probable that the School Exhibitions, the Grants in Aid, and the Open University Exhibitions, would have to bear the loss between them.

I have already expressed my opinion in detail, under each of the above heads, on the proposed application of the Endowment. But I may now briefly sum up, by saying, that the application of the expenditure under heads I, II, and III, would probably remain, under the Scheme, pretty much what it has hitherto been. The provision under head IV. is a new feature, and carries out, as it seems to me, in a very efficient way, the spirit of the founder's intention. The provisions under heads V. and VI., though excellent in themselves, are open to the objection that they propose to extend to all Ireland an Endowment intended for a particular class inhabiting a particular area. But they could be made quite satisfactory by a very slight modification, restricting the expenditure to the districts in which the lands of Erasmus Smith are situated. If this modification be made, and if the provision for School Exhibitions be adopted, then an annual sum of about £2,700 would be directly applied to the purposes intended by the founder. It is mainly in the hope of seeing this good and accomplished that I have been able to concur with my colleagues in the publication of the Draft Scheme.

IV.—THE RELIGIOUS TEST IMPOSED BY THE FOUNDER.

I now proceed to consider the main reason, and so far as I know, the only reason, why the present Governors have hitherto failed to bring home the benefits of this Endowment to the particular class of children so distinctly designated by the founder as the objects of his bounty. It is argued that the children of the tenants forfeit their right to the Endowment, because they are unwilling to comply with the condition which the founder imposed. Erasmus Smith expressly enjoined that all the children educated in his Schools should receive instruction in a Protestant Catechism, and take part in Protestant worship. Now the tenants on the estates, being for the most part Catholics, will not accept this condition; and, therefore, their children are justly excluded from the benefits of the Endowment. This is an argument that deserves serious and candid consideration.

In the first place, there can be no doubt about the intention of Erasmus Smith. He speaks thus in the Indenture of 1657:—"It is further by these presents declared to be the intention of all parties thereto, that the said Schoolmasters be obliged twice every day to pray with such scholars as he or they shall respectively teach. And that he or they shall provide such of the said scholars as from time to time shall, without good cause, be absent from the said exercise of prayer. And that the said schoolmasters respectively shall catechise his or their said scholars, once every week, on some week day, in the catechism published and set forth by the Assembly of Divines, . . . and shall also, every Lord's Day, catechise them, or some of them in the presence of the rest." A similar provision is found in the Charter of Charles II., only that the Catechism of Archbishop Usher is substituted for the catechism of the Assembly of Divines.

But there is even stronger evidence than this. A letter is preserved in the registry of the Governors, written by Erasmus Smith, from London, on June 6, 1682, in which he expresses his desire that the command of His Majesty to catechise the children out of Primrose Usher's catechism shall be observed by the Masters "upon the penalty of forfeiting their places." He then adds—"If parents will exclude their children because prayers, catechism, and exposition be

commanded, I cannot help it; for to remove that bar is to make them seminaries of Popery. Therefore, I beseech you to command him that shall be presented and approved by your honour (as Master of the Drogheda School), to observe them that decline these duties, and expel them, which will oblige, my lords and gentlemen, your most humble servant, Erasmus Smith."

The case, then, against the tenants is plain: they are disqualified from sharing in the Endowment, by their own act. The founder required all the pupils of his Schools to receive Protestant instruction, and to attend Protestant prayers; the children of the tenants refuse to comply with this condition; and therefore they forfeit their claim on the Endowment.

If I had to answer this argument, according to my own judgment, I would deal with it thus:—Erasmus Smith had two objects in view: one, to provide education for the children of his tenants and other poor children living in the neighbourhood of his estates; the other to secure that the pupils receiving this education should be brought up in the principles of the Protestant religion. Now it has been found, from long experience, that these two objects cannot both be attained. If the religious test is enforced, the children on the estates will be practically shut out from all share in the Endowment. We are forced, therefore, to choose between two alternatives: to abolish the religious disqualification, or to exclude from the benefits of the Endowment the very class of children who were the objects of the founder's bounty. The question then arises, which of the two objects was predominant in the mind of the founder. The answer to this question is a matter of opinion. For myself, I have no hesitation in saying, after a careful study of all the documents bearing on the subject, that the primary and permanent object of Erasmus Smith was to provide education for "the poor children living on any part of his lands in Ireland." And, therefore, according to my view, it is the duty of this Commission to carry out that object, and not to enforce the religious disqualification.

No doubt, Erasmus Smith, when the question was submitted to him, declared that the children who refused to conform to his religious test should be excluded from his Schools. But this was at a time when it was generally believed that, by imposing religious tests of this kind, the whole population of the country would be gradually brought round to the Protestant religion. The question now presents itself in a very different aspect from that in which it was presented to Erasmus Smith. The experience of two centuries has shown how illusory was the hope he entertained of changing the religion of his tenants by means of educational or social disqualifications. In the difficult task of interpreting his intention, as applied to the present day, we cannot overlook the altered circumstances of the times, and the experience of the last two hundred years. And I feel satisfied that Erasmus Smith, if he were now living, would far rather give effect to "the great and ardent desire he had, that the poor children inhabiting upon his lands in Ireland, should be brought up in the fear of God and in good literature," than by enforcing a religious test, which has proved so fruitless, exclude all these children, for ever, from the benefits of his Endowment.

But I do not rely, in this matter, on my own judgment alone. I can appeal to the authority of the present Governors, who have long since abandoned the religious test imposed by Erasmus Smith; recognising, no doubt, that in the circumstances of the present time, the continuance of this test was no longer consistent with the due administration of their trust. This is a point which, as I think, has been strangely overlooked, in the controversy about the Erasmus Smith Endowment; and I hope I shall be pardoned if I dwell on it for a few moments.

When we visited the Erasmus Smith Schools, we were everywhere told that they were open to pupils of

all religious denominations, and that no religious test was enforced. I may refer, by way of example, to the evidence of the Rev. Dr. Biggs, Head Master of the Galway School. He said:—"Since I came here, I have had fifty-five free pupils. Of these, twenty-three belonged to the 'Church of Ireland,' seventeen were Protestant Dissenters, and fifteen were Roman Catholics." He was then asked by Lord Justice Fitzgerald:—"Is there no limitation, as regards religious denomination, as a qualification for the free places?" and his answer was:—"Practically none." Later on he gives the following evidence:—

REV. DR. MOLLOY.—There have been fifteen free pupils who were Catholics, out of fifty-five admitted by the Board:—Yes.

Then you have been authorized by the Board to receive them?—Certainly. The Board accepted them, not I.

Are there any other Catholic pupils besides the free pupils?—Yes. At present we have seven Catholic day boys who pay fees, and five free pupils.

Then by the judgment of the Board, Catholics are admitted to a share in the Endowment?—They never ask the question as to whether the applicant is a Catholic or a Protestant.

You are not required to teach them Archbishop Unwin's catechism?—No. We work under the Conscience Clause of the Intermediate Board, to the effect that religious instruction is to be given at such a time, and in such a way, as that it shall not interfere with the secular instruction of any.

This last answer brings before us the fact that the Schools of Erasmus Smith receive Results Fees from the Intermediate Education Board. But, under the rules of this Board, the Manager of every School claiming Results Fees must send in a declaration to the effect, "that no pupil has been permitted to remain in attendance during the time of religious instruction which the parents or guardians of such pupil have not sanctioned, and that the time for giving such religious instruction has been so fixed that no pupil who did not remain in attendance was excluded, directly or indirectly, from the advantages of the secular education given in the School."

Lastly, the present Governors have submitted to us a Scheme of their own, for the future administration of the Endowment; and, in this Scheme, they propose formally to abolish the religious test of Erasmus Smith, which they have already abandoned in practice. The provisions which they have introduced, for this purpose, runs as follows:

The parent or guardian or a person liable to maintain or having the actual custody of any boy attending any of the said Schools, as a pupil, who is not a member of the Church of Ireland, may claim by notice in writing, addressed to the Head Master, the exemption of such boy from attending prayer or religious worship, or from any lesson or series of lessons on a religious subject, and such boy shall be exempted accordingly; and no such boy shall be liable to any exemption from attending prayer or religious worship, or from any lesson or series of lessons on a religious subject, be deprived of any advantage or religious emolument in the School, or out of the Endowment of the Foundation, to which he would otherwise have been entitled.

From this evidence, it is plain that the Governors have themselves abandoned the religious test imposed by Erasmus Smith, and that they even propose to abolish it in express terms. How, then, can it be argued that the children of the tenants are to be practically excluded from their due share of the Endowment, because they refuse to comply with that test? If it is lawful for the Governors, in the administration of their trust, to set aside the religious

test, in order to qualify for the Results Fees of the Intermediate Education Board, surely it is lawful to do so, in order to bring home effectively the benefits of the Endowment to the particular class of children who were the special object of the founder's bounty.

It is not for me, in these observations, to put forward a Scheme, framed according to my own views, for the administration of the Erasmus Smith Endowment. But I may be allowed briefly to state the principle on which, as I think, such a Scheme should be based; and I do so the more readily, because the principle I advocate is no other than the principle laid down in the Act under which our commission is constituted. I hold it to be clearly established, that the Endowment was expressly provided for the Education of children of a particular class, namely, the children inhabiting on or near the lands formerly held by Erasmus Smith in Ireland; and, therefore I say, we are bound to provide by our Scheme, that the Endowment shall be henceforth applied, as far as requisite, for the benefit of these children.

In conclusion, I would venture to express, in a few words, the present aspect of this question, as it presents itself to my mind. The position of the existing Governors, I say it with all respect, is a position of

self-contradiction. They say, in effect, they will not apply the Endowment to the education of the children of the tenants, because the children of the tenants refuse to comply with the condition imposed by the founder; and yet they tell us that this condition has been abandoned in their schools, and, in their own Scheme, they formally propose to abolish it. The position taken up by the Draft Scheme is a position of compromise. It proposes to set aside the religious disqualification imposed by Erasmus Smith; but it secures for the children of the tenants only "some of the advantages which the founder intended to bestow." The position which I have endeavoured to defend is a position based, as I think, on principle, and consistent with itself. I agree with the Governors, and I agree with the Draft Scheme, that the religious disqualification should not be enforced. First when the religious disqualification is removed, there is no longer any reason why we should not give full effect to the thirteenth section of our Act, and secure to the children of the tenants all the educational advantages expressly provided for them by the founder.

GERALD MOLLOY.

May 12, 1892.

NO. I. (c.)

PROTEST by ANTHONY TRAILL, Assistant Commissioner, against the DRAFT SCHEME dealing with the ENDOWMENTS of ERASMUS SMITH.

I cannot describe this Scheme more mildly than to say that it is an unadvised attempt to rob the Church of Ireland of a property which she has possessed under a Royal Charter for two and a quarter centuries, to deprive Trinity College of prizes, and the Blue Coat Hospital of benefits which they have enjoyed for 170 years under the provisions of an Act of Parliament, and to upset the entire arrangements of the Board which has done, and is doing, splendid educational work in the country. The Houses of Parliament which sanctioned the Act of 1885, under which this Commission has been created, can scarcely have been told what was contemplated, nor could they have anticipated such a result under the innocent looking words in the preamble, describing the work of this Commission, "to extend the usefulness of Educational Endowments in Ireland."

This Scheme has neither law nor equity for a basis and during the earlier years of this Commission it could not have been framed in its present shape, because on the matter of law both the Judicial Commissioners were agreed—"That the Endowments in question were of private origin—that it was the intention of the founder that the schools and their government should be Protestant in their character—and that the Draft Scheme should be settled on this basis," and a memorandum drawn up by Lord Justice Nash to this effect was inserted upon the minutes on January 14th, 1890. How the law of the case can become suddenly altered by the substitution of Mr. Justice O'Brien for Lord Nash, is a thing which I completely fail to understand.

The Scheme is moreover inequitable and contrary to an express provision in the Act of 1885, under which our powers are exercised. Clause 13 of that Act enacts that "in framing Schemes it shall be the duty of the Commissioners, with respect alike to the constitution of the Governing Body and to educational provisions, to have regard to the spirit of the founder's intentions," whereas this Scheme violates not only the spirit of Erasmus Smith's intentions but the letter of his express directions. Whether we consider his Endowment of 1657 in the time of Cromwell,

or the Charter which he obtained from Charles II. in 1669, there cannot be the slightest doubt about his intentions, or any ambiguity in his expression of them.

One of his explicit directions was, that all the schoolmasters and ushers in his schools were to "be approved of by the Archbishop or Bishop of the Diocese wherein they were to live, if they should willingly subscribe the two first Canons of the Church of Ireland." The first of these Canons is that which acknowledges the Thirty-nine Articles of the Churches of England and Ireland, and the second is that which acknowledges the King's supremacy as temporal Head of the Church, and which was expressly aimed at the Roman Catholic Church, which acknowledges the foreign power of the Pope in this country in matters of religion. I shall now point out a number of Sophisms by which it is attempted to sustain the Scheme against the plain meaning of words.

Sophism No. 1 attempts to get over this first difficulty by saying that Erasmus Smith merely introduced this provision, as being then necessary in every such document, on account of the Act of Uniformity which had been passed four years previously, and because the 29th Canon of the Church required every Schoolmaster to give his consent to these first two canons, and that therefore these conditions are not to be regarded as vital in considering what Erasmus Smith's intentions were. The answer to this is very simple. Under the Charter power was granted to Erasmus Smith during his life, and to the Governors and their successors after his death, to make rules, statutes and ordinances for the government of his Schools, schoolmasters, ushers, and scholars, as he or they should think fit, and these rules were to have the full force of law, provided (amongst other things) that they should not be repugnant to any ecclesiastical canons or constitutions of the Church of Ireland.

Erasmus Smith framed these "laws and directions" during his lifetime, under his hand and seal, and among his provisions were the following:—"None are to be admitted schoolmasters of the said schools but such as are of the Protestant religion." . . .

"The schoolmaster, and in his absence the usher, shall publicly every morning read a chapter out of the Canonical Scriptures and then pray, concluding at night also with prayer." The masters were further ordered diligently and constantly to catechise the pupils in *Archbishop Usher's Catechism*, not only on Sundays but also at other convenient times.

Some of these rules were made by Erasmus Smith after the granting of the Charter and under the powers given to him therein, and some of them, especially that relating to Archbishop Usher's Catechism, were actually incorporated in the Charter itself at his own special request. Can any rational unprejudiced person have any doubt upon his mind as to his intentions, and as to the nature of the instruction to be given as the basis of his school education, viz., that it was essentially Protestant?

The next argument which is brought forward in support of this Scheme for destroying the Protestant character of this Endowment is based upon Erasmus Smith's supposed intentions with regard to the children of his tenants. There is no doubt that one of his great objects in founding his Grammar Schools was to benefit the children of his tenants, not generally, as is supposed, as if for primary education, but to give such of them as should show sufficient talent to be benefited by a University Education, a chance of rising in the social scale and of getting on well in the world, but the free education which he provided for them was also provided for other poor scholars, especially those of the labouring class, and in the Rules, above referred to, he expressly provides for paying pupils to be admitted to the Schools at an entrance fee, and at such reasonable rates for schooling as might be agreed upon. But he took care to state exactly the conditions upon which this free education was to be given, and one of the essentials which he laid down was that this education was to be exclusively Protestant.

Here is where Sophism No. 2 is introduced. It is argued that Erasmus Smith had two intentions—(1) To educate the children of his tenants and other poor children; (2) To bring them up as Protestants; and then it is assumed that the former was his primary intention, and that if both of his intentions could not be carried out, he would, if now living, and with the advantage of the experience of the intervening 200 years, have decided to abandon the latter and carry out the former alone. But unfortunately for this assumption, and for those who take it upon themselves to invent intentions for founders according to their own notions, this very conflict occurred during the lifetime of Erasmus Smith, and he has left on record a remarkable letter which is absolutely decisive upon the point. A report had been sent over to him by the Governors, in 1680, as to the state of the schools at Drogheda and Galway, in which it was stated that "those who are of the Popish religion will not suffer their children to be educated in those schools, nor by the schoolmasters." Erasmus Smith, after some further correspondence, winds up with the letter of June 6th, 1682, in which he says—"My Lords, my design is not to reflect upon any, only I give my judgment why those Schools are so consumptive, which was, and is, and will be (if not prevented) the many Popish Schools, their neighbours, which as suckers do starve the tree. If parents will exclude their children because prayers, catechism, and exposition is commanded, I cannot help it, for to remove that bar is to make them seminaries of Popery. Therefore, I beseech you to command him that shall be presented and approved by your honours to observe them that decline these duties and expel them." Again, I ask, can any unprejudiced person doubt which of his intentions, above referred to, he considered paramount?

But it is charged against the Governors that they have in modern times failed to carry out these stringent regulations, and by introducing a "conscience clause"

in their schools have violated the intentions of the founder, and that therefore this Endowment becomes a free fund, applicable for educational purposes in Ireland irrespective of any religious denomination, and the powers of this Commission are invoked to carry out that view.

This is what I call Sophism No. 3, and the answer to it is very simple. The obvious remedy for the complaint would be to re-impose all Erasmus Smith's restrictions and conditions, but how would that please the complainants? It would only leave matters worse than they were, so far as the complainants are concerned. If the suggestion of the Sophists were adopted, it would amount to this—that the best way to undo the effect of a partial violation of a founder's intentions would be to violate them altogether. How would that be in accordance with the express direction in our Act, that we are "to have regard to the spirit of founder's intentions";

If we are to invent intentions for this founder, based upon the experience of 200 years since his time, we might suggest that, as a "conscience clause" is now the law in all State-aided Schools, even when managed by Governors of individual denominations, Erasmus Smith would probably have approved of the liberal steps taken by the Governors, without expressing an opinion that their property should be confiscated for not carrying out his original intentions in their most stringent form, or a wish that the Protestant character of the Governing Body as framed by him and sanctioned by Royal Charter should be destroyed.

This brings me to Sophism No. 4, viz.: that because there are accidentally some Roman Catholic Governors on the Board at present, its Protestant character should be taken away, and no restriction placed upon the religious qualifications of the rest.

Again a simple answer presents itself. All the Trustees to whom Erasmus Smith gave his property in 1641 were Protestants, all the Trustees to whom Charles II. granted the Letters Patent in 1667, and all the thirty-two Governors named in the Charter of 1685, were not only Protestants, but members of the Church of Ireland, and the public officials who were *ex-officio* Governors, and upon whose accidental religion so much stress is now laid, were at that time necessarily members of that Church, as then established by law, and as those Governors sit on the Board at present only in their official capacity, which has nothing to say to their religion, it is obvious that they are as much bound to carry out the Protestant trust of the Charter as if they were Protestants, and that they must be still considered for all practical purposes as Protestant Trustees to carry out the intentions of Erasmus Smith. If this Sophism were to be admitted, it might as reasonably be argued now that the Commissioners of Charitable Bequests should be guided by their own religious ideas in the administration of the trusts confided to them by law.

There is another remarkable disposition of a part of his property, by which Erasmus Smith showed the strong Protestant ideas by which he was actuated. In the Royal Charter, which, it must always be remembered, was granted upon his own petition, it was provided that a moiety of the residue of his revenues and rents should be applied "for the finding out of poor children to be apprentices to and under such Protestant masters as the said Governors should think fit," and while in this case also the children of his tenants were to have the preference, he secured as far as he could that even in industrial education they should be brought into contact with none but Protestants.

It has generally been held to be a good rule of law, even on this Commission, in trying to ascertain the intentions of a founder, to see how in practice those intentions were interpreted during his lifetime, or in the period immediately subsequent. I have shown how Erasmus Smith made known his intentions during

his lifetime, and left no ambiguity existing about them I shall now add a copy of the rules and orders framed by the Governors who immediately succeeded him, which rules, under the terms of the Charter, became subsequent law for their guidance and that of their successors. These rules are dated 12th July, 1712 (a significant day of the year), and are described as "Rules to prevent youths educated in the Free Schools founded by Erasmus Smith, from turning Papists."

1. That prayers be read morning and evening in each of the said schools, by the master or usher, out of the *Ritury* by law established, at which every youth shall be obliged duly to attend.

2. That every youth educated in the said schools shall be instructed by the master or usher in *Doctor Haver's Catechism*, and upon Sundays be publicly examined in the same in the Church.

3. That every person educated in the said schools shall duly attend the public service in the parish church where each school is situated, every Lord's Day, and such other time as the master or usher shall appoint; and upon neglect thereof, after due admonishment, shall be expelled the said schools.

4. That every person so educated, when he is sufficiently instructed in the aforesaid catechism, shall be brought by the master or usher to the Bishop to be confirmed.

It is now proposed to depart from this useful rule of law, and the uninterrupted practice of more than two centuries is to be laid aside, in order, I suppose, "to extend the usefulness of Educational Endowments in Ireland." The Charter was obtained by the founder during his own lifetime, and he lived for many years afterwards and showed no symptom of any change in his mind but quite the contrary. It was given to him on his own petition, and it is certainly a violent assertion to make that what is perfectly plain upon the face of the Charter itself was not his intention at all.

It is not my intention to deal with the details of the Scheme, though there are many to which exception may be taken. I have endeavoured rather to lay the axe to the root of the tree, and I have only to add in conclusion that the Scheme, as an emanation from this Commission, is devoid of all moral weight, because it has been produced by only three out of five Commissioners, and has only been secured by a temporary alliance of those whose feelings and interests are hostile to the Church of Ireland, and who, while agreeing in the proposed act of spoliation, cannot agree amongst themselves as to the ultimate division of the spoil. Two of the Commissioners produce a Scheme based upon a utopian theory of mixed education which the third entirely repudiates, while the Commissioners are at the same time bringing out another Scheme dealing with a large Endowment left by Lenny, a Protestant, in Limerick, in which they are putting an end to mixed education and a mixed Governing Body, and handing over three-fourths of the Endowment to the Roman Catholics for separate education.

The above statement as to the division of opinion amongst the Commissioners, is substantiated by the

following extract from the minutes of the Commission, dated February 6th, 1891.—

Moved by Mr. Justice O'Brien, seconded by Professor Dougherty—

"That a Draft Scheme be prepared on the basis of a neutral or mixed Governing Body to manage the Endowments, and of the benefits of the Endowments being available for all denominations without any religious test."

Amendment moved by Lord Justice FitzGibbon, seconded by Dr. Traill:—

"That due regard to the spirit of the Founder's intentions, requires the constitution of the Governing Body to be exclusively Protestant."

The amendment was negatived, and the original resolution was adopted by the majority of the Commission: Lord Justice FitzGibbon and Dr. Traill voting for the amendment and against the resolution.

Dr. Malley, while assenting to the resolution that a Draft Scheme should be prepared on the basis proposed by Mr. Justice O'Brien, stated that he did not think this the most satisfactory basis of a Scheme, but that it was less open to objection than the alternative proposal.

The general theory seems to be; if the Endowment be exclusively Protestant in its nature, open it and produce a Scheme based upon a system of mixed education, but if it be already upon the latter basis, destroy that as soon as possible, and divide it out in proportion to population. This Scheme if passed will not be considered final, it will only supply a lever for enforcing a claim in the future (which has indeed been already intimated in advance) that the funds shall be divided and the bulk of them handed over for purely Roman Catholic purposes, with the inevitable result that the beneficiaries of a well-known proselytiser shall be used to propagate the doctrines and practices of a Church of which he had a holy horror, and for the overturning of which he thought, in his vain imagination, he had supplied the best possible machinery.

It is a remarkable fact, which should not be lost sight of, that all the Protestant denominations, who appeared before this Commission and asked that the Endowment should be opened, claimed that it should be on a purely Protestant basis. Mr. Shaw, q.c., who represented the Presbyterians, Dr. Welh, q.c., who represented the Methodists, and Rev. Mr. Whitman, who represented the Congregationalists or Independents, were most explicit as to their instructions on this point, so that the Presbyterian Commissioners, in joining the other two Commissioners in this endeavour to destroy the Protestant character of this Endowment, in no respect represents the opinion of his own Church or of the other Protestant denominations in Ireland.

These facts, coupled with the additional fact that four separate documents have now been issued with the Scheme, explanatory of the views of individual Commissioners, entitle me to repeat my assertion, that the Scheme, as published, on this matter is devoid of all moral weight.

ANTHONY TRAILL.

May 12th, 1892.

No. I. (f.)

OBJECTIONS AND AMENDMENTS.

Lodged with the COMMISSIONERS, to the SCHEME framed for the above Endowments, by the following Bodies and Persons:—

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| I. The Existing Governing Body. | XII. Certain Inhabitants of the Parish of Colles, County Leath. |
| II. The Governors of King's Hospital, Omsentown. | XIII. Rev. Henry Vereker, Incumbent of O'Menth, County Leath. |
| III. The Standing Committee of the General Synod. | XIV. Christina Toombs and Marjorie Toombs, Mistresses and Monitors of Omsath English School. |
| IV. The Provost, Fellows, and Scholars of Trinity College. | XV. Robert Purdon, Teacher of Ardee English School. |
| V. The Month Diocesan Synod. | XVI. James Taylor, Teacher of Whitehall English School, Sligo. |
| VI. The Ardagh Diocesan Synod. | XVII. John Thompson, Senior Classical Master, High School, Burcourt Street. |
| VII. The Intermediate Education Committee of the General Assembly. | |
| VIII. The Presbytery of Dublin. | |
| IX. The Methodist Conference. | |
| X. The Rev. David Humphreys, C.C., Tipperary. | |
| XI. Certain Inhabitants of Drogheda. | |

I.—The Existing Governing Body.

1. The Governors object to the provisions of the proposed Draft Scheme of the Commissioners as to the Governing Body, inasmuch as they are not framed with regard to the spirit of the Founder's intentions.

2. They further object to the said provisions, inasmuch as no religious qualification for the Governors is prescribed, and contend that this is inconsistent with the Founder's intentions, which was that the Governing Body should consist of members of the Protestant Religion as by law established.

3. They further object to the said provisions, inasmuch as they propose to discontinue the present Governing body elected in exact conformity with the Founder's intentions as expressed by the Charter, and to substitute a Body elected in a manner entirely at variance with such intentions.

4. They further object to the said provisions, inasmuch as they are framed without regard to the Founder's intentions by proposing to substitute an election to fill future vacancies in place of co-optation, which was the mode in express terms ordained by the Charter, and ever since invariably followed.

5. The Governors object to the educational pro-

visions in the said Draft Scheme, inasmuch as they are not framed with regard to the spirit of the Founder's intentions.

6. The Governors, having in pursuance of Section 29 of the Educational Endowments Act, 1835, duly submitted a Draft Scheme for the consideration of the Commissioners, object to all the provisions in the proposed Draft Scheme of the Commissioners, as well those relating to the constitution of the Governing body, as those relating to educational provisions, and to the destination of the Endowments, which are inconsistent with the provisions of the said Draft Scheme of the Governors, and they refer to the said Draft Scheme as showing in detail the particulars of their objections.

GEORGE WRIGHT.

WILLIAM M. JERRETT.

MAUNSELL & SON, Solicitors for the Governors of ENAMUS Smith's Schools, 18, Stephen's Green, North, Dublin.

II.—The Governors of King's Hospital, Omsentown.

The Governors of the Hospital and Free School of King Charles the Second, Dublin, object to the provisions of the Draft Scheme of the Commissioners as to the Governing Body, inasmuch as they do not provide for the representation on such Governing Body of four of the said Governors of the Hospital and Free School of King Charles the Second, Dublin, as directed by an act of Parliament made in the 10th year of the reign of King George the First, as amended by the 114 Section of 3 and 4 Victoria, Chapter 108, and they further object to such provisions, inasmuch as it is not provided that the Governors to be appointed in pur-

suance of said Draft Scheme shall only appoint such members of their body to be Governors of the Hospital and Free School of King Charles the Second, Dublin, as are members of the Church of Ireland.

MAUNSELL & SON, Solicitors for the Governors of King's Hospital and Free School, 18, Stephen's Green, Dublin.

Dated 15th day of July, 1892.

III.—The Standing Committee of the General Synod.

Resolved.—"That having seen, with considerable surprise, the Draft Scheme which has been issued by the Educational Endowments Commissioners in reference to certain Endowments connected with Enamus Smith's Schools, we hereby strongly protest against the alienation of those Endowments to any other objects and uses than those for which they were intended by the Founder, and which were recognised

in the Charter of Charles II., and in subsequent Acts of Parliament, and for which they have been administered from the date at which those Schools were founded down to the present day."

SYNOD HALL,
Church-street-place

June 16, 1892.

IV.—The Provost, Fellows, and Scholars of the College of the Holy and Undivided Trinity of Queen Elizabeth, near Dublin.

1. Because the Act of the 48th and 49th of the Queen, Section 7, enacts that "This Act shall not apply (among others) to any Endowments belonging to or administered by or in the gift of the University of Dublin or Trinity College.

2. Because the annual payments made by the Governors of Erasmus Smith's Schools are Endowments within the meaning of the said Act, notwithstanding which, by the provisions of the Scheme, Trinity College would be deprived of a considerable amount of these Endowments hitherto being made in pursuance of the provisions and under the authority of the said Act the College having a statutory right to share them equally to those named in the Act.

3. Because the payments which the Scheme proposes to deprive the College of were fixed by agreement between the College and the Governors, and on the faith of which the College has appointed Professors and supplemented the grants of the Governors, for the purpose of securing competent

persons to accept such offices, and the entire salaries of which the College is bound to pay during the tenure of the offices by the present holders.

4. Because the Scheme purports by clause 13 to empower the Governors to apply their Endowment "for or towards such and so many" of the purposes therein named "as to the Governors shall from time to time seem expedient," which provision would empower the Governors at any time to stop the payments to Trinity College, or to any other object named in the Scheme should they deem it expedient so to do.

On behalf of the Provost and
Senior Fellows of T. C. D.

Geo. F. Shaw, Registrar.

July, 11 1892.

JOHN H. NUNN.

Solicitor for Trinity College, Dublin,
6, Dawson-street.

V.—The Meath Diocesan Synod.

Church of Ireland, Meath Synod,

Friday, 8th day of July, 1892.

Proposed by Rev. R. S. D. Campbell, seconded by Hon. R. J. Hancock, and unanimously resolved:—

That the Diocesan Synod of Meath protest most earnestly against the proposed alienation of the Funds

of the Erasmus Smith Schools from the purposes of Protestant education, for which they were undeniably given, and requests that the Scheme may be modified in this respect.

(Signed), O. P. MEATH, Chairman.

THOMAS P. CARRON, Hon. Sec.

VI.—The Ardagh Diocesan Council.

Resolved:—"That the Ardagh Diocesan Council strongly disapproves of the proposed alienation of the Erasmus Smith's Endowment from the specific object for which they were bequeathed."

(Signed) CHARLES J. BATTERSBY,

Diocesan Secretary.

VII.—The Intermediate Education Committee of the General Assembly.

The Intermediate Education Committee of the General Assembly object to the Draft Scheme (No. 144), "for the future government and management of the Educational Endowments founded by Erasmus Smith, as being in conflict with the clearly expounded intention of the founder.

Erasmus Smith definitely prescribed the religious doctrine and discipline to be maintained in the schools founded by him, and during his lifetime the religious instruction which he appointed remained unchanged, but soon after his death the requirements laid down by him were fundamentally altered, and the endowments made subservient exclusively to the interests of the then Established Church. The scheme for re-organization, published by the Educational Endowments Commission, does not restore the foundation to its original purposes, and being inconsistent with "the spirit of the founder's intention," would be a mis-appropriation of the endowment.

The religious character of this foundation was

expressly prescribed by Erasmus Smith. In the deed of trust made by him 1st December, 1637, it was "declared to be the intention of all parties thereto" that the schoolmasters be obliged, twice every day, to pray with such scholars as he or they shall respectively teach, and that he or they shall punish such of the said scholars as from time to time shall (without good cause) be absent from the said exercises of prayer. And that the said schoolmasters respectively shall likewise catechise his or their said scholars once every week on some week day in the catechism published and set forth by the Assembly of Divines, which catechism the said trustees are, out of the said rents, to provide for the said scholars, where parents are poor and inhabitants on the premises as aforesaid. And shall also, every Lord's day, catechise them, or some of them, in the presence of the rest, and expound to them the said catechism, or some part thereof, which he shall do publicly, as well for the benefit of the said scholars as for the instruction of all others as shall

desire to be present at that exercise in the school-house or in the Church."

In the Charter granted by Charles II. in 1669, on the petition of Erasmus Smith, religious instruction was also provided for, the catechism of Archbishop Usher being substituted for that of the Westminster Divines; but it is to be noted that the change carried with it no modification of the teaching prescribed, the two catechisms containing precisely the same doctrine.

In the exercise of powers reserved to him by the Charter of 1669 Erasmus Smith drew up rules for the conduct of the schools. These rules made compulsory the daily reading of the Scriptures, prayer twice each day, and instruction in Usher's Catechism on the Lord's day and at other convenient times. That the religious teaching and discipline which he had appointed were intended by him to be incorporated with his foundation and made perpetual is put beyond question by his own word. In a letter addressed to the Governors (June 6th, 1682), he wrote:—"If parents will exclude their children because prayers, catechism, and exposition is commanded, I cannot help it, for to remove that bar is to make them (the schools) seminaries of popery. Therefore, I beseech you to command him that shall be presented and approved by your honours to observe them that decline these duties and expel them." And he expressly declares, "My end in founding these schools was to propagate the Protestant faith according to the Scriptures, avoiding all superstition."

In face of these declarations of the founder the committee regard it as a violation of trust to divert any part of the funds, directly or indirectly, to the maintenance of schools in which religious doctrines are taught and ceremonies observed to which he was avowedly opposed.

While the foundation was thus expressly Protestant, Erasmus Smith has left unmistakably clear what he meant by the "Protestant faith according to the Scriptures, avoiding all superstition." It was the Protestant faith as taught by the Westminster Assembly of Divines. The original indenture required instruction in the Westminster Catechism. After the Restoration, this catechism, prepared and published by order of the Long Parliament, was not acceptable to those in authority. Another had to be substituted; and there was selected, not the catechism in use in the Established Church, but that of Archbishop Usher, which is notably Calvinistic in its theology, and contains, on the Church and its ordinances, the same doctrine as that taught by the Westminster Assembly. It was manifestly the intention of Erasmus Smith that the pupils in this school should be instructed in the tenets prescribed by him in the original deed constituting the trust, and not in the distinctive creed or ritual of the Episcopal Church.

Yet, notwithstanding the clearness with which his purpose was expressed, the Governors, thirty years after his death, set aside the rules which he had himself framed, and in (1713) issued a new code of by-laws in which it was required that the prayers should be read out of the Liturgy by law established, that Mann's catechism should be used instead of Usher's, that all the pupils should attend at the public service of the Established Church, on pain of expulsion, and that every person educated in the schools should, when sufficiently instructed in Mann's catechism, be brought by the master or usher to the bishop to be confirmed. By these regulations the character of the religious instruction given in the schools was fundamentally changed, and the Endowments diverted from their intended use.

The religious purpose of the founder is further apparent when the immunity from Episcopal control and from profession of the distinctive doctrines and participation in the services of the Established Church, allowed to teachers in the schools of Erasmus Smith, and secured to them by the Charter and his by-laws, is compared with the restrictions at that time imposed on all persons engaged in teaching.

By the "Constitutions and Canons" of the Irish Established Church it was not lawful for any to "instruct children either in public school or private house, but such as shall be allowed by the Ordinary of the place, under his hand and seal, being found meet, as well for his learning and dexterity in teaching, as for sober and honest conversation, and also for right understanding of God's true religion," and the applicant for licence was required to submit the first two Canons. Besides, only such books were to be taught as should be "allowed and approved by the Bishop of the Diocese."

The act of uniformity further required of every teacher as a condition of licence that he subscribe an engagement to conform to "the Liturgy of the Church of Ireland as by law established," and declare that he did not hold the Solemn League and Covenant to be binding on him, or any other person, and that it was "in itself an unlawful oath."

Now, the Charter of 1669 secured to the schools and teachers on Erasmus Smith's foundation exemption from all these requirements except subscription to the first two Canons, the acceptance of which was the sole condition of licence. The schoolmasters appointed by the Board of Governors were to be licensed on subscribing the Canons accepting the Thirty-nine Articles, and that acknowledging the Royal Supremacy. The Bishop had no authority to inquire further. There is no indication that the licence could be withheld from the person nominated by the Governors, even though he rejected the Book of Common Prayer, refused to attend the service of the Episcopal Church, and denied the jurisdiction over him of its Bishops. Within the schoolhouse he was free to hold meetings for prayer and exposition, not only for the instruction of the pupils, but also for the edification of any who might attend. The schools of Erasmus Smith were thus as completely free of connection with the Established Church as any schools then existing in Ireland could be. Neither the teachers nor the scholars were required to profess the distinctive principles of the Episcopal Church, or to conform to its ritual. On the other hand, the masters were to read the Scriptures with their pupils, to pray with them, and to give them catechetical instruction in doctrines which are to the present day professed and taught by the Irish Presbyterian Church.

It has been put forward in justification of the exclusion of Presbyterians from the management and benefits of these endowments that the trustees named in the original deed were mainly Cromwellian Independents, and that those appointed under the Charter of 1669 were all members of the Established Church. The unfairness of such an argument is apparent. In the unsettled state of Ireland, when the indenture was executed, it was necessary in constituting a permanent board of trustees to appoint men of position resident in or near Dublin, and acceptable to the existing Government. In 1667, the public offices were filled by followers of Cromwell, and the prominent ministers in the city and neighbourhood were English Puritans. In 1669, through the intolerant policy pursued towards the Presbyterian Church, its members were excluded from office in the State, and could not legally hold a religious or educational trust. This gross wrong cannot be taken as forming a just ground for their continued exclusion from the Erasmus Smith foundation.

Of all religious denominations in Ireland the Presbyterian Church most nearly represents the doctrine and discipline prescribed by the founder. The Westminster Confession of Faith and Catechisms are its subordinate standards, and it follows the Westminster Directory in its form of worship. In all its schools the catechism used is that specified by Erasmus Smith in the original deed of trust; while, as stated above, the catechism named in the Charter of 1669 contains the same system of doctrine, and is, in its exposition of the sacraments and other ordinances of religion, in

perfect harmony with the creed of the Presbyterian Church of Ireland. It is most unjust, therefore, that the members of a body so fully representing the views of the founder should be practically excluded from the benefits of the foundation, and from all effective voice in its administration, as under the proposed scheme they would be.

The Assembly's Committee feel bound to object to this Draft Scheme published by the Educational Endowments Commission as radically defective, and they urge that the Endowments shall be so reorganised as to restore the Trust to its original purpose, and carry out as fully as may be "the spirit of the founder's intention."

The Committee submit the following principles as the basis for an amended scheme:—

(1) That the Endowments be dealt with as an educational foundation, having a distinctly declared religious aim.

(2) That the intention of the founder in regard to the character of the religious instruction to be given in his schools be respected; and that the reading of the Scriptures, prayer, and the teaching

of the doctrines contained in the Westminster Catechism, or in that of Archbishop Usher form a part of the school exercises in all schools admitted to the benefit of the foundation.

(3) That the administration of the funds and the oversight of the schools be committed to a board of governors, in sympathy with the religious purpose of the founder, and that on this board members of the Presbyterian Church, being the body most completely in accord with the doctrinal views of Erasmus Smith, have their due place.

(4) That the funds be mainly expended in promoting Intermediate Education by the maintenance of schools in which the advantage of a superior education shall be offered on easy terms.

W. TOSD MARTIN,

Convener of the Assembly's Committee.

Assembly's Office, Belfast,

Sept. 9th, 1892.

VIII.—The Presbytery of Dublin.

The Presbytery object to the clauses of the Scheme which provide for the constitution of the Board of Governors of the Schools, having regard to the intentions of the Founder, as expressed in the Indenture of December 1st, 1657, which requires that the pupils of the Schools shall be catechised twice every week and also on the Lord's Day in the catechism compiled by the Westminster Assembly of Divines, and to the fact that the only Church in Ireland which now uses this catechism in the instruction of the young is the Presbyterian Church, the Presbytery respectfully submit that a much larger representation on the Board should be given to the Presbyterian Church than the Scheme proposes. The Presbytery suggest that the General Assembly should have the power to nominate an adequate number of the Representative Governors, and that the Moderator of the Dublin Presbytery, within whose bounds three of the Schools are situated, should be a Governor *ex-officio*.

The Presbytery also object to the payments to

Trinity College and the University of Dublin to the exclusion of the Magee College. They submit that the Governors shall be required to pay to the Magee College a sum equal to the amount payable to Trinity College and the University, or if the funds at their disposal be insufficient to enable them to do so, then that the Magee College shall receive a moiety of the sums payable to the aforementioned institutions.

The Presbytery further object to Clause 23. They claim that at least one member in three of each of the Grammar School Committees shall be a Presbyterian.

With reference to Clause 28 the Presbytery submit that in all Schools attended by Presbyterian pupils the Governors or the Local Committee shall make such provision for the religious instruction of these pupils as the Presbytery of the bounds shall think fit.

Signed, by the authority of the Presbytery of Dublin, by

J. M. HAMILTON, A.M.,

Clerk of Presbytery.

IX.—The Methodist Conference.

I. In our judgment the Governing Body ought to consist exclusively of those who are members of some Protestant denomination.

II. In the proposed constitution of the Governing Body (Draft Scheme, page 5) provision is made for the election of Representative Governors. A similar clause was in the original scheme for the Royal Schools and it was struck out by the Privy Council, and in our judgment this clause should be omitted, as under it the principle laid down in No I. might be contravened.

III. The School Exhibitions (Draft Scheme, page 9, par. 3 and c) should not be limited to children residing

within certain districts, or taught in the Erasmus Smith Grammar Schools, inasmuch as some of these exhibitions have been given for years to pupils taught in the High School, Dublin, who, on the ground of residence, have no greater claim on them than pupils taught in other Dublin schools.

WILLIAM NICHOLAS, D.D.,

Secretary of Committee.

Glenville, Temple Gardens,
Rathmines, Dublin.

X.—The Rev. David Humphreys, C.C., Tipperary.

First, I propose to amend the fundamental "resolution" passed on the 6th of February, 1891, upon which the Scheme has been drafted. I propose that the resolution shall read thus:—

"That a Draft Scheme be prepared on the basis of a neutral or mixed body to manage the Endowments and of the benefits of the Endowments being available for all the children of the tenants on all the estates

formerly held by Erasmus Smith, and for the other children for whom he intended his Endowments, of all denominations without any religious test."

The basis of my amendment is that part of the 13th Section of the Act of 1855 which begins with the words "provided always that the founder, &c."

For Erasmus Smith has left his Endowments to "children of the poorer classes" "of a particular

class" and "of a particular area," namely, to the children of all the tenants on all his estates and to twenty "other poor children" within two miles of his Schools at Drogheda, Galway, and Tipperary. And all the claims of all the children of these two classes, as defined by Erasmus Smith, must have been satisfied before any part of his Endowments be given to other children. (Indenture, December 1, 1657. Letters Patent of Charles II., November 3, 1657. Charters of Charles II., March 26, 1659.)

To prove the fundamental Resolution, as amended by me, I, in the first place, deny emphatically the Amendment of Lord Justice FitzGibbon and Dr. Trill, namely, "That due regard to the spirit of the Founder's intentions require the constitution of the Governing Body to be exclusively Protestant."

I undertake to prove that due regard to the spirit of the Founder's intentions, as revealed to us by all the legal evidence we have, leaves the Commissioners perfectly free, both as to the religious constitution of the Governing Body, and as to religious educational provisions. In framing the religious constitution of the Governing Body of his School Endowments, and in framing the religious educational provisions of his Schools, Erasmus Smith was not free. He was entirely at the mercy of the Government of the day, both as to the title to all his estates, and as to their extent and value.

That he was at their mercy as to title is evident from the fact mentioned in the Memorandum to the Draft Scheme, p. 2, that the Trustees had to apply to the Commissioners under the Act of Settlement, on the 29th of January, 1655, after the Restoration, for an adjudication of their right and title to the lands granted by Erasmus Smith for charitable uses thereon. He had got those lands for money lent to the Parliament of England (Lingsard, vol. viii. p. 268), and it rested with the Parliament, and afterwards with Cromwell, who had usurped the power of the Parliament to say what lands and how much lands he should get.

That he was at the mercy of the Government as to the extent and situation, and consequent value of the estates is evident:—

1. From the 16th section of the Act of Settlement, which says:—"You are further to apprise such adventurers, soldiers and other persons who are in possession of the estate of the Earl of Clancarty, as also to satisfy Erasmus Smith his deficiency as an adventurer, in some convenient forfeited land in County Louth, that he may be better enabled and encouraged to enclose those places used of incorporating five Free Schools within our said Kingdom, which he has petitioned us so to do."

2. From the words of the Indenture in Scheme, p. 3, that a school should be built "where his lands that are deficient (which is £3,700) should be fixed. He was thus to get lands for £3,700 lent. And this claim must be that dealt with in the above Section of the Act of Settlement. The lands were given to him in Louth, and the school was built at Drogheda.

Since, therefore, Erasmus Smith was entirely in the power, first of Cromwell's government, and secondly, of the Government of Charles II., as to his title to his estates, and as to their extent, situation, and value; and since religious prejudices in those days ran notoriously high, he was obliged to conciliate the religious prejudices first, of Cromwell, and secondly of Charles II. And this he did. For all the persons appointed as trustees under the Indenture of 1657 were Cromwell's friends and of Cromwell's religion, namely Independents. Most of them were members of Cromwell's Established State Church in Ireland, and held office under his Government. (See Evidence of Rev. G. T. Stokes, Professor of History, Dublin University, report 1885-86, p. 306). The Trustees under the Indenture were Dr. Jones, ex-Bishop, Scout-master-General in Cromwell's army and Vice-Chancellor of Dublin University, five Independent clergymen, one of whom was Provost and another Fellow of Trinity College, Dublin, five officials under

Cromwell's Government, three military men, and four Dublin aldermen. That the aldermen were Cromwell's friends is proved from the fact that two of them, Preston and Hook, signed an address approving of Cromwell's government. (Dr. Trill, report 1885-6, p. 305). He, moreover, appointed for the Schools, the Catechism of the time, namely, that of the Westminster Divine.

After the Restoration, Erasmus Smith, again accommodated himself and his Endowment to the religious and political wishes of the Government in power. After Episcopacy had been restored, he appointed among his trustees two Archbishops and a Bishop, the versatile Dr. Jones, true to his temporal interests as the needle to the pole—the name of Bishop was not even mentioned among his former trustees—Dr. Jones was set down as "Doctor of Divinity." His other trustees under Charles II. were the principal judges of the High Courts, some of whom were to decide on the sticky question of his estates. Several lords, as became the Government of the Carrifon, and some of his former trustees, military gentlemen, and aldermen, who changed their religion to suit their political environment, with the same regularity as they changed their clothes to suit the season. Instead of Cromwell's catechism, that of the Westminster Divines, they substituted the catechism of the Protestant Primate of Ireland, Archbishop Usher. It is beside the question, on two grounds, to say that there is nothing about Church government in Usher's catechism: (1) Because he was Protestant Primate of Ireland, and, therefore, the king's representative of Episcopacy in Ireland; (2) Because there are two official powers in a Bishop—the power of jurisdiction which enables him to govern, and the power of orders, which enables him to ordain.

Moreover, Erasmus Smith does not have appointed even one Catholic among his trustees, either under Cromwell or Charles II.

To argue, therefore, as to his intentions, regarding the religious character of the governing body of his Endowment either from the religion of his Trustees under Cromwell, or from the religion of his Trustees under Charles II., is to forget altogether the history of his time, and of the conditions under which he obtained his estates. And, yet, Lord Justice FitzGibbon, and the late Lord Justice Nash, have so argued, I hope Lord Justice FitzGibbon will forgive me, because he is seeking for information.

For the same reason we have no evidence as to the religion he wishes to have taught in his schools. And, here, I impinge as a forger the letter of Erasmus Smith, dated June 6th, 1682. There is no legal evidence that he ever wrote that letter. It occurs in the "minutes" of the Governors who had a very good reason to forge it, namely—to justify their extraordinary and unjust conduct in taking away from the tenant children, and "other poor children" their birthright, and giving it to rich strangers who have had no claim whatever on it.

The action of Erasmus Smith, on the face of it, would go to some extent, to prove that he would now wish that no child should be instructed in any religion of which the parents should disapprove. For, as to religious instruction in his Schools, he always conformed himself to the will of the government of the day. Thus under Cromwell he appointed the catechism of the Westminster Divines, under Charles II. the catechism of Archbishop Usher. Hence, we are justified in concluding that he would now wish to conform himself to the will of the present Government. We may also take it that he would be anxious to obtain Government aid for his Intermediate Schools. Since, therefore, the Intermediate Education Act of 1878 prescribes, that, in an Intermediate School receiving Government aid, shall a child be instructed in any religion of which the parent disapproves, we are justified in concluding that Erasmus Smith would fall in with this rule for his Schools.

Besides that the teachers of the Erasmus Smith

Schools should be Protestant, and should subscribe to the first two Canons of the Protestant Established Church in Ireland proves nothing as to the intentions of Erasmus Smith, because he was obliged to those regulations by the law of the land.

Therefore, I conclude, that due regard to the spirit "of Erasmus Smith's intentions," does not require that the Governing Body of his Endowment should not be a mixed body, and his Endowment should not be open to all the persons specified by him without any religious test. On the contrary, since the heirs to his Endowment are of different religious denominations, these denominations ought to be represented on the Governing Body. And I have already proved that there ought to be no religious test. This latter point is also proved from that part of the 13th Section of the Act of 1835, which begins with the words "provided always," for a religious test would prevent the Endowment from being available for all those who are entitled to it, and for whom it "shall continue, so far as requisite, to be applied for their benefit."

Objections and Amendments to Draft Scheme.

1. I object to the constitution of the Governing Body as laid down in Sections 2, 3, 4, 5, 6, 7, 8.

I maintain that the Governing Body ought to consist, in the first place only of—

- (a.) *Ex-officio* Governors.
- (b.) Representative Governors.

And then of—

- (a.) *Ex-officio*.
- (b.) Representative.

(c.) Co-opted Governors, when the electing Bodies fail to elect within the specified time.

There ought to be no Governors nominated by the Lord Lieutenant. For since the Crown gives none of the money, the representative of the Crown is entitled to no representation.

All the existing Governors ought to be expelled, and declared ineligible for future election on the Board, because they have deprived tens of thousands of poor innocent little children of their birthright, and mismanaged and squandered a magnificent Educational Endowment.

All the judges should be excluded from the *ex-officio* Governors. For, as I have shown, Erasmus Smith appointed them on his Boards of Trustees, because he was compelled to do so in order to conciliate the favour of the Government.

Ex-officio Governors.

The *ex-officio* Governors shall be the President of Maynooth College, the Provost of Trinity College, Dublin; the Chancellor of the Royal University of Ireland, the Chancellor of any other University that may be established hereinafter in Ireland; The President of Trinity College, the President of the Queen's College, Cork; the President of the Queen's College, Belfast; the President of the Queen's College, Galway; the President of University College, Dublin; and the President of Mague Presbyterian College, Londonderry; all for the time being.

Representative Governors.

The Representative Governors shall be elected by the Districts in which the School Estates lie.

The basis of representation shall be the rental of the Districts.

The smallest Electoral District must yield a rental of £500 a year.

Every District, whose rental is from £500 to £1,000 a year, shall be entitled to elect one member in the Governing Body. If the rental is from £1,000 to £2,000, the District shall be entitled to elect two members to the Governing Body. And so on. Two

or more estates may be joined to form an Electoral District.

The Electing Body of the Electoral District shall be the Local Committee of the District, which shall be established for the government and management of Intermediate Free Schools within the Electoral District.

The Local Committee shall consist of the Catholic Archbishop, or Bishop of the District. The Protestant Archbishop or Bishop of the District, three priests, three Catholic laymen, the Protestant clergyman, and the Presbyterian clergyman of the District. If the number of Protestants or Presbyterians in the District should entitle them to a larger representation on the Local Committee, they shall get it. If there should be clergymen of any other Christian denomination, within the District, they also shall have a seat on the Local Committee.

The rules of Election and Co-option shall be those prescribed by the Scheme in Sections 7 and 8 in so far as they are applicable to my Scheme.

Tipperary Electoral District.

The Tipperary Electoral District shall consist of all the lands formerly held by Erasmus Smith in the Counties of Limerick and Tipperary.

Tipperary Local Committee.

The Local Committee of the Tipperary Electoral District shall consist of the Archbishop of Cashel, the Protestant Bishop of Cashel, the Parish Priest of Tipperary, the Parish Priest or Administrator of Nickier and Templemalin, the Parish Priest of Upper Church, or the Parish Priest of Glanmilly, the Protestant Rector of Tipperary, the Presbyterian Clergyman of Tipperary, all for the time being; Thomas Butler, Esq., J.P., Ballycarson House; Dr. Ladue, Cashel; and William London, Esq., Killybeg, Co. Limerick.

Application of Endowments.

I object to sub-section 3 of Section 13.

The Exhibitions in Trinity College, Dublin, are not part of the Trinity College Endowment. They are, therefore, subject to the Commissioners of the Act of 1835, and ought to be conferred according to the letter and spirit of that Act. They ought, therefore, to be given to the tenants' children and "other poor children," designated by Erasmus Smith, who are nearly all Catholics, and will not go to Trinity College. These Exhibitions in Trinity College should be devoted to the second purpose mentioned in subsection 10 of this Section as regards University Exhibitions, and should be available in all other colleges for the students entitled to them.

I object to subsection 5 of Section 13. The grants to Blue Coat Hospital are subject to the Commissioners, and are not given to the tenants' children, or cannot be given to the tenants' children. For most of the tenants' children are Catholics, and would not, therefore, enter Blue Coat Hospital, and the tenants' children must be provided for out of the Endowment before any part of it is given to others (Indenture, p. 3).

The second purpose mentioned in subsection 10 is "University Exhibitions." "University Exhibitions" should be also available in Ecclesiastical Colleges for Ecclesiastical Students. By University Exhibitions I mean the Exhibitions to which the student should be entitled in any University in Ireland.

The three Supplemental Exhibitions, mentioned in Schedule 4, shall not be confined to Trinity College, and shall not be available for the pupils of the High School, Harcourt-street, who have no claim, whatever, on the Erasmus Smith Endowment. Those three Exhibitions shall not be available for any students in the Harcourt-street School, or in the School in Brunswick-street.

Free Scholars.

I beg to amend Section 17, so that the children of all the tenants on the estates formerly held by Erasmus Smith, without any limitation of number, shall be entitled to free education in all his Schools. Twenty poor boys living within two miles of each of his Grammar Schools shall be chosen for free education, according to the method prescribed in Section 17. All the rest of this Section shall be annulled, except that that part which says that all boys placed as free scholars in Blue Coat Hospital at the time of this Scheme shall be entitled to complete their education. I amend this part, so that only twenty of such boys shall be entitled to this privilege.

The English School at Pallagreen shall be used as an Intermediate School for boys; and a High School for girls shall be built or otherwise provided at Pallagreen.

All payments to English Schools from the Erasmus Smith Endowment shall cease forthwith.

General Provisions as to the Schools.

I object to Section 19. The Grammar School in Harcourt-street, Dublin, and the Commercial School in Brunswick-street, Dublin, shall immediately cease to be Erasmus Smith Schools, and shall receive no further grants, exhibitions, or financial aid, under any form, from the Erasmus Smith Endowments. These schools were primarily established as English Schools, and were made Grammar Schools by a ruse. They should therefore cease with all other English Schools, *Salvate fundaments tollitur domus*.

They must also cease to derive aid from the Endowment, because the tenants' children cannot attend them, and no stranger can receive aid from the Endowment until the claims of all the tenants' children have been satisfied. (Indenture p. 8.) Moreover, the Erasmus Smith Endowments are too little for the thousands of tenants' children whose birthright they are.

The Grammar Schools at Drogheda, Galway, and Tipperary, shall, under no pretext, be discontinued as Grammar Schools.

Besides the Tipperary Grammar School the following schools shall be established within the Tipperary Electoral District. At Tipperary town, a High School for girls and a Technical School. At Pallagreen, County Limerick, a Grammar School for boys and a High School for girls. At Drumbane, County Tipperary, a Grammar School for boys and a High School for girls. At Cashel, a Grammar School for boys, a High School for girls, and a Technical School.

In all the other Erasmus Smith Electoral Districts, Grammar Schools for boys, High Schools for girls, and the Technical Schools, shall be established wherever they are required by the tenants' children.

If grants for Technical education should be made either by the Government, or by local authorities, the Erasmus Smith grants for Technical education shall be withdrawn, and devoted to the other purposes of the Scheme.

I amend Section 21 so that no school fees shall be charged to any of the tenants' children or to any "other poor children" living on the estates. The twenty free boys shall be chosen from among poor children not living on the estates, and living within two miles of each of the schools.

I amend Section 21 so that all the Erasmus Smith Schools shall cease to be Boarding Schools; that all the Erasmus Smith Schools, now existing, or hereafter to be established, shall be Day Schools only; and that no master, or assistant master, shall undertake to provide boarding accommodation for any pupils.

Sections 23 and 24 shall be annulled, since the Local Committee shall elect the Representative Governors, and the Governors shall not appoint the Local Committee.

In case of a vacancy in the lay element of the Local

Committee, the Local Committee shall co-opt a member to fill it.

If the Local Committee should leave the place vacant for six months, the Governing Body shall appoint a member.

If the Local Committee should not fill up a vacancy in the Representative element of the Governing Body, within twelve months, the Governing Body shall fill it by co-optation.

I amend Section 25. In every Erasmus Smith School the Head Master and Assistant Masters shall be of the same religious persuasion as the majority of the people within the Electoral District in which the school is situated. I make one exception to this rule. If there is in any school a minority of 15 pupils of the same religious persuasion, and different from the religious persuasion of the majority of the school or district there shall be one Assistant Master of that religious persuasion in the school.

Grants in aid of Intermediate Education.

I object to Section 29, so far as it ordains that any financial aid for Intermediate Education should be given to any District outside the Erasmus Smith Electoral Districts as defined above. I moreover demand that none of the Erasmus Smith Endowments existing within a particular Erasmus Smith Electoral District shall be given even to the children of another Erasmus Smith Electoral District. All the Erasmus Smith Endowments within an Erasmus Smith Electoral District shall be expended on the tenants' children and other children entitled within that District.

This demand, this right is proved (1) by the 13th Section of the Act, (2) by the decision of your Commission, (3) by the decision of the Privy Council.

The 13th Section says that when an educational endowment has been provided for "the poorer classes" of children "within a particular area" it shall continue as far as requisite . . . for the benefit of such children." Now all the Erasmus Smith Endowments within each Erasmus Smith Electoral District are requisite, and not more for the children of that District.

You have decided that the Endowments of the Royal Schools shall, in no part, be taken outside Ulster, although the Protestant Prince was allowed to build the Royal Schools wherever he desired at his own discretion.

When you decided to give a portion of the Royal Schools' Endowment to be distributed in prizes among all the Royal Schools in Ulster, the Privy Council would not allow it. It decided that the revenue raised within each District should be kept within the District (Rep. 1890-91, p. 99.)

I call upon you and the Privy Council to stand by your common law.

Whenever, within Erasmus Smith Electoral Districts, Grammar Schools for boys, High Schools for girls, and Technical Schools shall be required for the tenants' children and other children entitled, sufficient grants, not limited to any sum or dependent on any local financial efforts, shall be made for the building and equipping of those schools so as to give free education to all entitled to it.

School Exhibitions.

I object altogether to Section 30, and all its subsections. I object because this section and its subsections would open these Exhibitions to others than the tenants' children and "other poor children" entitled. I object to School Exhibitions, because in my scheme they shall be unnecessary as means of obtaining Intermediate and Technical Education, since in every Erasmus Smith Electoral District there must be a sufficient number of Intermediate and Technical Schools.

I would put into practice the spirit of Section 53, in one respect. I would give free Intermediate or Technical education to poor promising children in the Erasmus Smith Schools.

University Exhibitions.

I amend Section 51. No University Exhibition should be given out of the Endowments within any Electoral District to any person outside that District. All the Erasmus Smith revenues within any Electoral District must be expended on the children within that District.

Application of Surplus.

Section 52, for reasons already given, shall be annulled.

As to Section 41, even though the Governors should sell the estates to the tenants under any Land purchase Act, the rights of the tenants' children and "other poor children" to the Endowments shall remain unchanged.

As to Section 43, I claim for the Tipperary District all the "sums of Government Stock standing in the books of the Governor and Company of the Bank of Ireland in the names of the Governors of the Schools founded by Erasmus Smith, Esq." except Lord Bedesdale's Charity and Sarah Stephen's Legacy. More than the full sum in the Bank had been received for land purchased by Railways in the Tipperary District in the counties of Limerick and Tipperary. You have left the accumulations in Bank

to each district under the Royal Schools (Rep. 1899-91, p. 99). For a greater reason, I claim the accumulations for this District.

The money got from railways has been received for land within the Tipperary District, therefore it belongs to the Tipperary District.

I state that present income as given in p. 5, namely, £3,583 4s. 11d., is quite inconsistent with income as given in all Reports.

In these Reports the gross income from all the Erasmus Smith Estates is more than £10,000 a year. In evidence given by the agent of the Erasmus Smith Schools property, Mr. Thomas Sanders, the rental of all the estates is given as £9,585. Besides this there is the property in Dublin, £48, which makes the whole income £9,634. Besides this there is the interest on £14,000, which, at three per cent., would make £420.

The whole income is, therefore, at least, £10,054.

The rents on the estates are too high, and must be considerably reduced.

Definitions.

The amendments, which I have suggested, will necessitate a change in the definitions of "The Governors," "The Grammar Schools," and the Commercial School.

(Signed), DAVID HUMPHREYS, C.C., Tipperary,
July 9, 1892.

XI.—Certain Inhabitants of Drogheda.

Representative Co-opted Governors.

Resolved:—

"That we object to the number of Representative Governors being so many as eight out of twenty-four future Governors while the Co-opted Governors from the Grammar School Committee will be only three. The importance of the Grammar Schools, the expenditure on which was for year ending 31st May, 1891, £1,697 out of the total income of £6,583, would warrant, we hold, a larger number than three being appointed from the Grammar School Committee."

Grammar School Committee.

That we object to the Grammar School Committee being solely appointed by the Governors, and consider that it should be elected locally by the residents interested in the Schools.

School Fees and Free Education.

That we object to the free pupils to be admitted to the Grammar Schools being selected by the Governors only, and consider that the Grammar School Committee should have the selection, as from their local knowledge of the parents or guardians making application, they could judge best of the merits of the cases.

We consider that the Grammar School Committee should be associated with the Inspector in fixing the fees to be charged in the Grammar Schools.

Maintenance and Education of Free Scholars.

That we object to the free scholars, who are also to be maintained, being chosen solely by the governors, and consider that this power should rest with the Grammar School and Local Committee as knowing the cases locally in which free education and maintenance should be afforded.

Inspection.

That we consider the Grammar School Committee should have power to communicate and consult with the Inspector whenever it may be considered necessary.

Suggestion.

We would suggest that a certain number of the Irish Privy Council be constituted an Education Committee of the Council, as in England, to whom all matters involving doubt or difference of opinion between the Governors and Local Committee might be submitted for their judgment.

Lord Justice FitzGibbon's and Dr. Traill's Statements.

Having considered the statements of Lord Justice FitzGibbon and Dr. Traill, of Trinity College, Dublin, which accompanied the Draft Scheme, we are of opinion that while we desire to see Roman Catholics sharing in the advantages of the School, and that having regard to the strongly expressed and repeated instructions of the Founder, Erasmus Smith, and the Resolution of the Commissioners of 9th November, 1889, we desire to see the Governing body as heretofore, Protestants.

J. BELLW KELLY, F.R.C.S.I., &c., J.P.,
Chairman.

ROBERT M'INTOSH, Honorary Secretary.

Whitworth Hall, Drogheda,
30th June, 1892.

XII.—To the Honorable and Right Honorable the Endowment Commissioners for Ireland.

We, the undersigned inhabitants of the Parish of Colton, County of Louth, beg most respectfully to protest against any scheme which would deprive us of the Endowments and benefits belonging to the Erasmus Smith School in this Parish which now enjoy, or which shall alter the constitution of said School. We are, many of us, parents of present or former pupils of the said school, and we say that this School has done in the past, and is still doing a most valuable educational work in this place. The attendance is large; at present there are sixty-nine on the rolls, and the average attendance is fifty-two. We also enjoy an annuity charged on the lands of Blakstown, amounting to £15 9s. 2d. per annum, payable to our school as a Scriptural School, which, we are informed,

would be forfeited if the constitution of same was altered. The school buildings and premises would also be lost to us, as the owner, Viscount Massereene, whose predecessors built the premises before they were placed under the Erasmus Smith Board fifty-five years ago, would not cede them for a Non-Scriptural School. For these reasons we strongly object to any interference with said school.

R. M. Peile Freeman, the Rectory, Colton.

Alfred H. Wynne, J.P., Colton House.

Henry C. Lloyd, J.P., the Grove, Colton.

And fifty-eight other names.

Letter referring to foregoing Objection.

The Rectory, Colton Co. Louth,
July 11th, 1892.

To the Honorable and Right Honorable the Endowment Commissioners for Ireland.

GENTLEMEN.—In forwarding the enclosed protest and objection to "your Draft Scheme for the administration of the Endowment of Erasmus Smith," I wish to add I thoroughly agree with the

the protest and consider a very grievous wrong would be done (especially to this Parish) by the adoption of "the Draft Scheme." I also enclose a letter I received from Mr. Lloyd (Viscount Massereene's agent) relative to the school premises.

(Signed), R. M. PEILE FREEMAN,
Rector of Colton.

Letter of Mr. Lloyd referred to in previous Letter.

MASSERENE ESTATE OFFICE,
Colton, Co. Louth,
6th July, 1892.

ERASMUS SMITH'S SCHOOLS, COLTON.

DEAR MR. FREEMAN,—As I understand the buildings now used by the Erasmus Smith's Endowment Board as male and female schools here, in consequence of the report made by the majority of Educational Endowment Commissioners, are likely to become either dissolved or brought under another system of

management and control; in either case I think it right now to point out that as Lord Oriel (I believe) granted these buildings in conjunction with Erasmus Smith's Endowment for specific purposes, and with certain views, which it is now suggested to break through, Lord Massereene will assert his ownership and seek to become re-possessed, and I believe him fully entitled to become so.

(Signed), HENRY C. LLOYD.
Rev. R. M. F. Freeman.

XIII.—Rev. Henry Vereker, Incumbent of Omagh.

I, Henry Vereker, A.B., F.C.S., Clerk, Church of Ireland, Incumbent of Omagh, County of Louth and Diocese of Armagh, desire, most respectfully but most strongly and earnestly, to protest against the Draft Scheme, No. 144, of the Commissioners of Education (Ireland), more especially as regards its bearing on the Parochial English School of Omagh, conducted in connection with the Board of Erasmus Smith, on the following grounds:—

From the Memorandum which accompanies the Draft Scheme, it appears that the late Erasmus Smith, Esq., did not make his grant (for the five Grammar Schools) exclusively for the benefit of the children of his tenants, but for certain children of the poor and labouring classes also. Secondly, it appears that in case the "rents, &c.," should at any time exceed £300, the surplus was to be expended in establishing five English Schools, &c. Thirdly, it appears that the grant was not made for the general education of any children whatever, but for imparting to children willing to receive it a particular kind of education which is distinctively Protestant, as was made abundantly evident by (a) the terms of the grant; (b) by the Trustees who were appointed; (c) by the several rules laid down for the appointment of School Masters and Teachers, for the instruction of the children to be benefited thereby.

In consequence of the increase of the trust funds, a difficulty arose which could not be met by a literal observance of the terms of the grant as regarded the number of English schools and the amount of the salaries, yet the proper course was clear, for as Waterland says: "it is a settled rule with us that oaths are always to be taken in the sense of the imposers, and the same in the case of solemn leagues and covenants. Without this principle no faith or moral confidence could be kept amongst men."

1. I protest, therefore, against the changes proposed in the Draft Scheme as unnecessary, since the intention of the donor is fully and satisfactorily carried out in the school at Omagh, where for the last fifteen years and upwards the children of the Parish have received Scriptural and Protestant instruction, while their general education has been very successfully carried out also, as the results have proved. Secondly, because it is inequitable, since it proposes to exercise a power* greater than that delegated to the Commissioners. Thirdly, because it is unjust. It would transfer from Omagh school the grant which has been lawfully given, and honourably and successfully employed, to an object which if allowed would go far to defeat the plain purpose of the donor. Fourthly, because it is revolutionary, as transferring

* See Dr. Thell's able and convincing protest.

the management of a Protestant School from the constituted authorities, to a Board which shall have the appointment and control of manager, staff, character of instruction, discipline, &c., &c.—a singularly sweeping arrangement.

If such a scheme were carried, it would in my opinion, be grievously injurious to the best interests, spiritual and temporal, of the Protestant parishioners of Omagh.

The Omagh School has been placed in my charge with certain advantages, and I dare not consent to the unjust withdrawal of those advantages from my successors and this parish in the future.

I have throughout my ministry consistently condemned and opposed the National Board system of Education, in which the Word of God is placed under restrictions, which are not put upon the teaching of geography, grammar, arithmetic, spelling, &c., &c., in

order that its light may not shine. I have, therefore, always entertained a conscientious objection to that system, and have never had charge of a National School, I thank Providence. I do not see the smallest reason to change my views on the subject, and sanction the placing of a Scriptural School under the Anti-Scriptural system of the National Board.

I, therefore, as Incumbent of Omagh, protest against the provisions of the Draft Scheme as regards the Erasmus Smith's School in this parish, as unnecessary, inequitable, unjust, revolutionary, and grievously injurious to the spiritual and temporal interests of the Protestant parishioners of this place.

(Signed), HENRY YENNER,
Incumbent of Omagh.

The Parsonage,
9 July, 1892.

XIV.—Christina Toombs and Marjorie Toombs, Teacher and Mistress of Omagh School.

I, the undersigned, being the teacher of the Omagh School (Erasmus Smith), protest most respectfully against the Draft Scheme, No. 144, affecting the Erasmus Smith's Endowment, on the following grounds:—

1. It is a Scriptural Endowment, and should not be applied to a wholly secular purpose.
2. Many of the teachers employed under the Erasmus Smith's Board would not teach under the National Board.
3. Many of them who would, are over the age employed by the National Board, and there-

fore would not be kept on, and so left, some with families depending on them, almost penniless.

4. Should the Scheme become law, we shall claim just compensation for salary, school-house, and fees, with whatever other emoluments of which we are deprived.

Dated this 11th day of July, 1892.

(Signed), CHRISTINA TOOMBS,
Mistress of School.

(Also signed), MARJORIE TOOMBS,
Mistress of School.

XV.—Robert Purdie, Teacher of Ardee English School.

Erasmus Smith's School, Ardee,
8th July, 1892.

To the Honorable the Endowed Commissioners of Ireland.

I, the undersigned, the teacher of Erasmus Smith's School, Ardee, respectfully protest against the Draft Scheme, No. 144, put forward by a majority of the Educational Endowment Commissioners, for the following reasons:—First, it is contrary to the Will and intentions of Erasmus Smith. He evidently intended his property to be applied to strictly Protestant purposes. The Scheme intends to apply that property to purposes for which it never was intended. Secondly, I object from conscientious motives, not from any disqualification, except that of age, to teach under the National Board.

Under its present constitution, this School has, in my time and previously, done valuable educational work, and has sent forward many boys to the Educational Institution, Drumalk, thence to Santry School, and finally on to Trinity College, Dublin, where there is at this present day a Bimer, who among many others in the past, gained that distinction from

this school. I also beg respectfully to state, that should the Draft Scheme become law, I shall claim compensation under the following heads:—

- (a) Length of service. I was examined after leaving the Training School in 1856, by the Rev. H. Hamilton, and got my appointment from Eusebio Thorpe, Esq., Registrar, same year to the Cahir School, county Tipperary, and with the exception of a few years' interval, I have since been in the employment of the Governors of Erasmus Smith's Schools.

(b.) Salary and gratuity from Governors.	£	s.	d.
(c.) Salary, Town Commissioners, Ardee.	18	12	2
(d.) Residence and one acre land, say.	20	0	0
(e.) School fees fluctuating from £15 to £20.	10	0	0

418 9 2

Hoping your honorable Board will excuse this protest, and take my claim of compensation into consideration.

XVI.—James Taylor, Teacher of Whitehall English School, Skibbereen.

Erasmus Smith's English School,
Whitehall, Churchroos,
Skibbereen, Co. Cork,
12th July, 1892.

SIR,—Some time ago, I received from you a copy of the Draft Scheme for the future management of the Erasmus Smith's Endowments, in which, I observe, among other things, that it is proposed to place the

English Schools in connexion with the National Board. I have no observations to make on the Scheme, but, as one of the teachers of the English Schools, to state as briefly as I can, for the information and consideration of the Commissioners, how it affects me. My case may be taken as typical of many others. Trained under the National Board in 1856-7, Class—First of Second—age 52 years; eight

years in the service of the National Board, and twenty-six in the service of the Governors of Erasmus Smith's Schools. The maximum age for admission to National Board service is 35 years, with an extension to 45 in the case of teachers coming from other educational organisations. It is plain that I cannot be recognised as teacher of a National School, and will therefore be deprived of employment, and without the slightest hope of obtaining re-employment as a teacher.

If the Commissioners obtained a relaxation of the rule to admit teachers to the National Board service, who have been for long periods in charge of primary schools in this country, and who are now over the maximum age, it would, it is generally considered, be the most satisfactory arrangement that could be effected. This would be only simple justice to the teachers referred to. Many of them had been upwards of twenty years teachers before the Pension Scheme became law, and it was a great injustice to exclude them from participating, if so desired, in its advantages.

By the payment of premiums in proportion to their age, the solvency of the Pension Scheme could in no way be disturbed. It is hardly necessary to point out that an arrangement of the kind I have stated would have the effect of placing teachers in a better position than they at present occupy, and would leave the sum now spent on maintaining the English Schools at once available for the purpose specified in the Draft Scheme.

If admission to the National Board service be not conceded to the teachers above forty-five years of age, their vested interests should be respected, and anything less than their present small salaries as annuities would, under all the circumstances of the case, be in the highest degree unjust.

(Signed), JAMES TAYLOR, Teacher.

The Secretary,
Educational Endowments Commission,
23, Nassau Street, Dublin.

XVII.—John Thompson, Senior Classical Master, High School, Harcourt Street.

MY LORDS AND GENTLEMEN,—Availing myself of the opportunity offered by the publication of the Draft Scheme of the Erasmus Smith Endowments and the observations published along with it, I beg to lay before you the following considerations in the hope that they may lead to amendments in your final Scheme. By various reforms and by the abolition of the grant to the English Schools, the Commissioners have so arranged that there will be a sum left in their hands of over £2,000 annually to be spent in furthering the cause of education in Ireland. It is to the proposed method of spending this sum that I wish to direct attention. Reading through the Scheme and the published observations, towards the end of Lord Justice FitzGibbon's remarks, I found the following:—"The smallness of the amount spent by the Governors, out of their large endowment, in maintaining Grammar School Education, the primary object of the Founder, has impressed me with the necessity for improvement in the existing system. The most successful schools, including the High School, receive proportionately little, and the most valuable educational work now done by Erasmus Smith's Schools is but inadequately represented in the expenditure of the Endowments." It is upon the suggestion which seems to me to underlie these words that I propose to enlarge.

Apart from this quotation the whole Draft Scheme seems to expound the idea of spending on the existing Grammar Schools more money than is spent at the present time. In the extract I have given is the only hint I can find anywhere in either the Draft Scheme itself or any of the comments published by the Commissioners, which suggest, or seems to suggest, that part of the surplus now left to be disposed of may be profitably spent in improving the Grammar Schools at present established.

My Lords and Gentlemen, the Commissioners have before them a great opportunity; they have a sum of £2,000 or more per annum to expend; how will they use it? Can it not be used to reward success and to help to render yet more efficient work so efficiently done in the past? It seems to have been assumed that Schools so successful might dispense with further assistance. Might it not rather be argued that having been successful on "proportionately little" and on an expenditure "inadequately representing" the work done, they might attain still greater success by a more "proportionate" and more "adequate" outlay? Such an outlay might take, I think, one or both of two forms:—(1) the expenditure of a single lump sum in improving the stock, furniture, &c., of the schools, improvements which might at first entail a slightly increased annual expense, but would ultimately repay

their cost in increased fees and increased success; or (2) a considerable expenditure consisting in a permanently increased annual sum.

Next, in what way would the expenditure be made in each of these cases. In answering this question, I am thinking mainly of the High School, which is here before all our eyes in Dublin. Dublin is the capital of Ireland, and might we not claim such a Protestant school as any English town of similar size might be proud to own. Can this be fairly said of the High School, and its class-rooms and equipments? Even in Dublin itself, no one would think of comparing the High School in stock and appearance with Alexandra College, or the Massena School at Ballsbridge, and much less outside Dublin, with the fine schools at Belfast which are Protestant, or the excellent colleges at Clongowood, which is Roman Catholic. Appearance is something substantial, modern improvements in the equipments, far more. The Commissioners have now money to spare. Let them propose to build in one or all the present established schools on the Erasmus Smith foundation, schools of new class-rooms on the latest and most approved principles. Let them propose to build a grammarian, to add a head master's study, or an assistant master's room, or above all to add to one or all of the schools, a science department, with a good laboratory, which, at first entailing some expense, might in time maintain itself by grants earned from Sixth Kensington. Roughly, these suggestions may be classed under my first heading of one lump outlay. Under the second, which is not intended to exclude the first, and would in part be impracticable without it, the following suggestions are offered:—To increase the staff of masters, and to increase the standard of the staff's efficiency. (a) The High School numbers all but three hundred pupils, and has a staff of eleven permanent masters (including the head master). Each class, therefore, averages about thirty boys, some classes have more, some less; thirty is too large. If success can be obtained from such large classes, how much more could be obtained by reducing the number from fifteen to twenty.

(b) The staff might be made more able; better teachers might be employed as vacancies occur. This is no difficult problem; it is a matter of generosity and liberal expenditure; excellent the present staff may be, it could easily be made to seem a poor one were the average salary of the assistant masters raised from rather over £100 to £150 a year. In the City of London School, a non-resident school like the High School, no assistant master is paid less than £175 a year. Need we look much farther to find a reason for its wonderful success?

In conclusion, I submit deferentially, that the Commissioners have in their hands a chance not likely to be offered again. Their duty is plain and unquestioned—to consider the interests of education, and to raise its standard in Ireland. The Commissioners seem of opinion that this can best be done by establishing further grammar schools; my argument is that it may equally well, if not better, be done by improving the present establishments. Excellence challenges imitation; to raise the few schools at

present under the Erasmus Smith Endowments fifty or a hundred above their present condition would, I think, prove a stimulus to other schools and other endowments, greater than any it is possible to conceive, and an advancement of the best educational interests of Ireland which may mark an epoch in its educational history.

(Signed), JOHN THOMSON, M.A.,
(Senior Classical Master, High School, Dublin).

No. I. (g.)

LATENT PATENT OF CHARLES II.—A.D. 1667.

(See Supra, p. 141.)

Charles the second by the grace of God of England Scotland France & Ireland king defender of the Faith &c To all men to whom these presents shall come greeting Whereas in pursuance of two several Acts of parliament lately made in our said kingdoms of Ireland the one intituled An Act for the better execution of his Majesties gracious declaration for the settlement of his kingdoms of Ireland & satisfaction of the several Interests of Adventurers soldiers & other his subjects there And the other intituled An Act for the explaining of some doubts arising upon an Act intituled An Act for the better execution of his Majesties gracious declaration for the settlement of his kingdoms of Ireland & satisfaction of the several Interests of Adventurers Soldiers & other his subjects there & for making some alterations of & additions unto the said Act for the more speedy & effectual settlement of the said kingdoms the right reverend father in God Henry Jones Bishop of Meath John Byrnes Esq our Chiefe Baron of our Court of Exchequer in our said kingdoms of Ireland Sirrome Berkeley & Edward Roberts Esqs Richard Teigh Daniell Hatchinson & John Preston of the city of Dublin Aldermen Trustees for Erasmus Smythe of the city of London Esq did for and on the behalfe of the said Erasmus Smythe upon the nine and twentieth day of January in the seventeenth year of our raigne exhibite their petition & Schedule before our right trusty & wellbelovd Counsellor Sir Edward Smith knight our chiefe Justice of our Court of Common Pleas in our said kingdoms of Ireland Sir Edward Dering Baronet Sir Allen Brodrick knight our Surveyor generall of our said kingdoms of Ireland Sir Winston Churchill knight & Edward Cooke Esq our Commissioners appointed for executing the aforesd Acts therein setting forth that they the said Trustees in the right & on the behalfe only of the said Erasmus Smith & not otherwise are by two severall clauses & provisions in the said Explanatory Act expressed and conteyned lawfully intituled unto the severall lands tenements & hereditaments in the said petition & schedule therunto annexed particularly mentioned Which said lands are likewise hereafter in these presents particularly named under the trusts & limitations hereafter mentioned as in & by the said clauses or provisions relation being therunto had more fully & largely doth & may appeare And therefore prayed an adjudication of their right & title therunto And the certificate of the said Commissioners in order to their passing letters patents under our grante seale of our said kingdoms of Ireland for the same as in & by the said Acts is directed And whereas the said petition was fully heard before our said Commissioners on the six and twentieth day of June in the eighteenth year of our raigne And upon hearing thereof and consideration had of one proviso or clause in the sixty third page of the said explanatory Act expressed & conteyned as it followeth in these words that is to say And whereas amongst severall bills certified and transmitted under the grante seale of Ireland unto his Majesties his High Court of Chancery in England by a certificate bearing date att Dublin the thirtieth day of May in the sixteenth year of his Majesties raigne a Bill is transmitted intituled An Act for settling of certaine lands of Erasmus Smith Esq

for charitable uses Bee it further enacted by the authority aforesd that all the lands tenements & hereditaments in the said Bill mentioned And thereby intended to bee disposed for charitable uses & not already decreed away by the Commissioners for execution of the said former Act shalbee continued & applied unto & preserved intirely for such pious and charitable uses and that the Commissioners for execution of this Act shall not allot or distribute the said lands or any part thereof or suffer the same to bee allotted or distributed to any Adventurer or Soldier in pursuance of this Act and where any of the said lands sett out by the said Erasmus Smith to pious or charitable uses have been evicted recovered or charged by any decrees which are confirmed by this Act the Commissioners for execution of this Act shall cause a like quantity of forfeited & profitable acres within the countyes of Lowth (if soe much can there bee found) or otherwise elsewhere to bee sett out & allotted to the same pious uses as may bee sufficient to recompence the losses which hath happened by such Decrees as aforesd Any thing in this or the said former Act to the contrary notwithstanding the said Commissioners doe declare that it appeared unto them that the said lands tenements & hereditaments were seized sequestered disposed disposed sett out or sett apart by reason of or upon account of the late horrid rebellion or warre which began or broke out in our said kingdoms of Ireland on the three and twentieth day of October which was in the years of our lord God one thousand six hundred forty one & were thereby forfeited unto & vested in us according to the intent & true meaning of the said Acts & that the same were allotted assigned given granted ordered distributed disposed sett out or sett apart unto the said Erasmus Smith or those under whom hee layeth the same for their severall & respective advantages bona fide paid for lands forfeited in Ireland in pursuance of severall Acts of Parliament of the sixteenth & seventeenth years of the raigne of our late royall father King Charles the first of ever glorious memory deceased & were upon the seventh day of May which was in the years of our lord God one thousand six hundred fifty & nine in the actual seisin possession & occupation of the said Erasmus Smith his trustees aforesd or those under whom hee or they layeth their leases or undertenements And that it further appeared unto them that by the said bill certified & transmitted under the grante seale of our said kingdoms of Ireland unto us in our high Court of Chancery in our said kingdoms of England as aforesd intituled An Act for settling of certaine lands of Erasmus Smith Esq for charitable uses the said lands tenements & hereditaments hereafter mentioned were intended to bee settled for severall charitable uses therein expressed And that although the said Bill is not yett passed into a law yett the said lands tenements & hereditaments in the said Bill mentioned & thereby intended to bee disposed for charitable uses & not already decreed away ought by vertue of the aforesd clause conteyned in the said sixty third page of the said Act of Explanations to bee continued & applied unto & preserved intirely for such pious & charitable uses as are therein mentioned And thereupon it was adjudged

& decreed by our sd Commissioners that the said Henry Jones Bishop of Meath John Byss Hierome Sankey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston are by the above mentioned clauses in the sd Explanatory Act as Trustees for the several Charitable uses hereafter mentioned & explained & no otherwise lawfully & rightfully entitled unto the sd several lands tenements & hereditaments according to the tenor intent & true meaning of the sd several & respective Acts of Parliament as in and by the said Certificate under the hands and seals of our said Commissioners bearing date the one & twentieth day of September in the sd eighteenth years of our reign & enrolled in our Court of Exchequer at Dublin relation being thereunto had more fully & at large to doth & may appere And whereas the said Henry Bishop of Meath John Byss Hierome Sankey Edward Roberts Richard Teigh Daniell Hutchinson and John Preston as trustees for the sd Queensway Smyth have lately produced & presented before our right trusty & right entirely beloved cousin & councillor James Duke of Ormond our Lieut. general & general governor of our sd kingdom of Ireland the aforesaid Certificate of our sd Commissioners & humbly requested that effectual letters patents of the sd lands tenements & hereditaments therein contained might be passed unto them their heirs & assigns as Trustees for the several Charitable uses hereafter mentioned under the great seal of our said kingdom of Ireland according to the tenor & intent of the said respective Acts Know ye therefore that Wee of our especial grace certain knowledge & mere motion by & with the advice & consent of our sd right trusty & right entirely beloved cousin & councillor James Duke of Ormond our Lieut. general & general governor of our said Kingdom of Ireland & according to the tenor & effect of the sd Certificate & in pursuance of the said several Acts of Parliament Have given granted and confirmed & by these presents for us our heirs & successors doe give grant & confirm unto the sd Henry Jones Bishop of Meath John Byss Hierome Sankey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston their heirs and assigns as Trustees for the several charitable uses hereafter mentioned & explained & no otherwise the several lands tenements and hereditaments hereafter following that is to say Barrogholough with a mill some houses & an old Abbey & several cabins & gardens containing five acres and one rood of profitable land one small parcel of land by Ballybridge containing one acre two roods seven several small parcels of land in Boonmore & Boonbeg containing eighty six acres & two roods ten perches of profitable land A parcel of land called Myls Bush containing seven acres two roods of profitable land a parcel of land called Remmore containing sixty eight acres of profitable land the town & lands of Ballybane & Glensyle containing two hundred & sixty acres one rood of profitable land and thirty acres of unprofitable land a parcel of land called Westmerragh containing one hundred & seven acres of profitable land a parcel of land called the Murrage being one quarter of Dubhake containing eighty eight acres one rood of profitable land a parcel of land called Murragebeg containing twenty seven acres & thirty two perches of profitable land & forty two acres one rood of unprofitable land a parcel of land called Ballybitt containing one hundred and eighty acres & one rood of profitable land & twenty acres of unprofitable land a parcel of land called Boscum containing one hundred & sixty nine acres of profitable land & seven acres one rood of unprofitable land all which aforementioned parcels are situate lying & being in the liberties of Galloway in the County of Galloway in our sd kingdom of Ireland and also Kilduffe containing two hundred and ten acres one rood of profitable land & one hundred thirty one acres three roods of unprofitable land Ballinacooly containing one hundred thirty two acres two roods sixteens

perches of profitable land Knockmore also Knockdoole having containing two hundred thirty three acres of profitable land Ballymanney containing one hundred eighty six acres three roods & twentyfour perches Dromahay containing seventy seven acres & sixteen perches of profitable land & eight acres of unprofitable land Knockmerrig Gortinewerry Gortineward loagher Bollah Ballycoshowne all parcels of Carrigunagh containing three hundred fifty one acres of profitable land and Gortally containing one hundred seventy three acres & two roods of profitable land & four hundred twenty two acres three roods of unprofitable land all which sd last mentioned places are situate lying & being in the Barony of Cooagh in the County of Lymrick in our said Kingdom of Ireland And also Clannery containing seventy seven acres three roods and twelve perches of profitable and seven and forty eight acres one rood & eight perches of profitable land Farranfahill one hundred twenty seven acres one rood & twenty four perches of profitable land all which sd last mentioned places are situate lying & being in Barony of Carbury in the County of Sligo all which aforementioned places were since the three & twentieth day of October which was in the years of our Lord God one thousand six hundred forty & one & before the passing of the aforesaid Acts seized & sequestered into our hands or to our use or into the hands or to the use of our said royal Father King Charles the first of ever glorious memory deceased or were otherwise disposed of distributed sett out or sett apart by reason of or upon account of the aforesaid late horrid rebellion or wars which began or broke out in our sd kingdom of Ireland upon the said three & twentieth day of October which was in the sd years of our Lord God one thousand six hundred forty one & are thereby justly forfeited unto & vested in us our heirs & successors by force and & virtue of the aforesaid several & respective acts and for the uses intents & purposes in them severally & respectively declared limited & appointed Together with all and singular estates messuages tenements outbuildings edifices barns stables yards orchards gardens pastures feedings commons common of pasture leafe mills woods underwoods heaths furze mountains bogs loughs moors marshes waters watercourses & all & singular other profits commodities emoluments rights members advantages & appurtenances whatsoever to the sd places hereby granted or any part or parcel thereof belonging or in any wise appertaining And the reversion & reversions remainder & remainders of all & singular the places & and every part & parcel thereof And all the estate right title interest claimas property & demand whatsoever which we now have or may or might or ought to have of in & unto the same places or any part or parcel thereof by force or virtue of the aforesaid several Acts or either of them Saving & always excepting & reserving out of these our letters patents unto the provost Fellows & scholars of Trinity Colledge nere Dublin & their successors all their right title & interest in & unto the towns of Kilduffe in the Barony of Cooagh & county of Lymrick containing by estimation tenement of small country messuages as doth or of right ought to belong unto them the sd provost Fellows & Scholars by virtue of the Certificate of our sd Commissioners & of letters patents granted by Queens Elizabeth of glorious memory for & on their behalfs Saving also unto Jeffery Browne Esq his heirs all such right title & interest in & unto sixteen acres of land & mill in the liberties of Galloway aforesaid as shall hereafter by our sd Commissioners be adjudged unto him the said Jeffery Browne as one of the fifty four persons provided for in and by the sd explanatory Act commonly called Nomine the sd Trustees in one of the sd lands shall hereafter be adjudged unto the sd Jeffery Browne to be repaid by our sd Commissioners in other forfeited undisposed lands equal thereto in value worth & purchase before they be removed from the same Saving also unto the Corporation of Galloway their

right & title in & unto the lands of Moneille Lattibegg Knockenahernine with the marsh ground & meadow thereunto belonging Logganeecragg & the tithot tennements upon the commons lying & being in the lymetick of Galloway aforesaid amounting to ten acres.

To have and to hold all & singular the premises hereby given granted and confirmed together with all & every their right members & appurtenances thereunto belonging or in any wise appertaining saving & excepting as aforesaid unto them the said Henry Jones Bishop of Meath John Byrse hierome Sanckey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston their heirs & assigns as Trustees to be by them managed & disposed of for the charitable use & intents herein afterwards limited mentioned and appointed being the same uses and intents by the sd bill certified into England intended and there in expressed that is to say upon specialle trust & confidence that until such a Corporation shall be legally erected & established to be called by the name of the Governours of the Schooles founded by Erasmus Smyth Esqr as by the sd bill certified into England as aforesaid was intended they the sd Henry Jones John Byrse hierome Sanckey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston & their heirs & assigns shall have hold and enjoy the aforesaid lands tenements & hereditaments to the intent & purpose that they shall out of the rents issues and profits thereof pay or cause to be paid one hundred pounds ster^t yearly for ever that is to say fifty pounds ster^t on the first day of January yearly and fifty pounds ster^t on the first day of July yearly unto the Mayor Commonality and Citizens of the City of London Governours of the poorehouses Revenues & goods of the hospital of Edward King of England the sixth of Carlets Ridleywell & St. Thomas the Apostle without any deduction at the Counting house in Christs hospitall London to be paid there to the Treasurer of the hospital for the time being set their usefull place of Receipt to be disposed of to such pious & charitable uses & in such way and manner as the sd Erasmus Smith shall by his deed in writing or by his last will & Testament witnessed by two or more credible witnesses limit appoint & direct. And that in default of such appointment & deduction that then the sd sume & yearly rent shall be & remaine to the uses herein particularly expressed & that the sd Corporation herein last before mentioned shall & may from time to time for ever levy & recover by distress upon the premises the sd rent of one hundred pounds ster^t p^a ann^o & the arrears thereof from time to time as also five pounds ster^t naming pence for every month that the same or any part thereof shall be in arreare by the space of two months after any of the said dates And upon further trust & confidence that they the sd Henry Jones John Byrse hierome Sanckey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston their heirs and assigns shall yearly & for every year employ fifty pounds ster^t without any deduction in the maintaining five Schooles for the Teaching & instructing of poore children of both sexes to speake and reade English in such places in Ireland & to such other charitable uses as the sd Erasmus Smyth shall by his last will & Testament or other writing sealed appoint & in default of such appointment the sd fifty pounds p^a ann^o shall be employed to the generall uses hereby intended & appointed And upon further trust & confidence that the sd Henry Jones John Byrse hierome Sanckey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston their heirs & assigns shall employ one full fourth part of all & every the remaining rents issues and profits of the premises during the continuance of the leases hereafter mentioned for & towards the building & placing of poore more Children to be apprentices to any lawfull trades or manufatures in Ireland and with such protestant masters in Ireland as they or any four of them shall thinke fitt and after the end

or other determination of the sd leases then for & towards such building & placing of such apprentices & cloathing poore Children Schollars in the Grammar Schooles hereinafter mentioned Provided not more then six pounds thereof be bestowed upon or towards the binding or placing of any one apprentice And so as the children of poore Tenants of the sd Erasmus Smyth his heirs & assigns educated in the said Schooles for & desiring the same to be p^laced otherwise the said Henry Jones John Byrse hierome Sanckey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston their heirs and assigns shall be at liberty to bestowe the same for & towards the binding and placing of any other poore children to be apprentices not bestowing above five pounds with any one child Provided also not more then thirty shillings in the years be bestowed in the cloathing of any child And upon trust and confidence that they the sd Henry Jones John Byrse hierome Sanckey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston their heirs & assigns shall out of the rents issues & profits of the premises as soon as conveniently may be build or buy three convenient houses for Schoolehouses & dwelling for schoolmasters that is to say in or neere the towns of Galloway & two others in other places in Ireland by the sd Erasmus Smyth or his heirs to be nominated within two yeares next ensuing the date hereof and in default of such nomination then in such other places as they the said Henry Jones John Byrse hierome Sanckey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston or any four of them shall thinke most convenient And that they the said Henry Jones John Byrse hierome Sanckey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston their heirs & assigns shall from time to time for ever place and keepe a Schoolmaster in each of the sd three Grammar Schooles to be nominated allowed ordered directed visited & placed & upon reasonable cause displayed by the sd Erasmus Smyth during his life & afterwards by the sd Henry Jones John Byrse hierome Sanckey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston or any four of them their heirs & assigns & shall be also licensed & approved by the Archbisshop or Bishop of the Diocesse where such Schooles respectively shall be erected they subscribing the two first canons of the church of Ireland agreed upon in the tenth yeare of the reigne of King Charles the first & shall be visited according to such allowance Rules statutes & ordinances as shall be appointed sett forth made devised or established by the sd Erasmus Smyth during his life by writing under his hand & seale & after his death by the sd Henry Jones John Byrse hierome Sanckey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston or any four of them and that the sd Erasmus Smyth during his life by writing under his hand & seale & the said Henry Jones John Byrse hierome Sanckey Edward Roberts Richard Teigh Daniell Hutchinson and John Preston or the major part of them after his decease shall & may make sett devise & appoint such rules Statutes & ordinances for the rule Government & well ordering of the sd Schooles & of the Schoolmasters schoolers schollars & officers there for the time being & for their & every of their wages stipends & allowances for & towards their maintenance & relief as to the said Erasmus Smyth during his life & the said Henry Jones John Byrse hierome Sanckey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston or any four or more of them after his decease shall seeme meete & convenient & not otherwise And that the same orders rules Statutes & ordinances see by him or them to be made as aforesaid shall bee & stand in full force in law the same not being repugnant to our Privilege or to the laws & Statutes of our sd kingdomes of Ireland nor the aforesaid Canons of the Church of Ireland And the sd visitor or visitors shall have power from time to time to order reforme

& redress all & every the disorders & misdemeanours offences & abuses in the persons to be visited as aforesaid & every of them & to punish suspend deprive or displace them or any of them according to the said rules statutes & ordinances & not otherwise And likewise for the execution of the uses & trusts herein mentioned which visitations shall be made once in seven years or often if need shall require. And upon further trust & confidence that they the sd Henry Jones John Byssie Hierome Sanckey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston their heirs or assigns shall pay unto every such Schoolmaster at his Schools house sixty six pounds thirteen shillings & four pence ster yearly by equal persons on the first day of May & the first day of November or within sixty dayes next after the sd dayes respectively in every year And shall provide that the sd respective Schoolmasters shall truly & without demanding any other reward Teach & instruct the children of such poore people as shall dwell on any the lands aforesaid or any lands of the said Erasmus Smith his heirs or assigns within two English myles of the sd three Grammar Schooles respectively to write & count account & in Grammar & other learning & shall p'pore such of them as shall desire the same for the use of the University or college neere Dublin & shall catechise theire Schollars in the Catechismes to be provided for them that are poore by the sd Henry Jones John Byssie Hierome Sanckey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston their heirs or assigns & shall also publickly in the Schoole or church every Lords day exhort some of the said Schollars in the p'sence of the rest & expound some part of the Catechismes as well for the benefit of the sd Schollars as of all others who shall be then present and to the end the Inhabitants neighbouring to the sd Schooles may the better know the Intent & use of the sd Schooles the respective Schoolmasters of the sd Schooles are hereby required under paine of forfeiting their places to keep in every of the sd Schooles publickly a copie of these our letters patents fairly written or printed & to read such part thereof as concerne the sd Schooles or Exhibitions to poore Schollars the placing of others to bee apprentices & clothing of poore Children Schollars in the sd Schooles in every year on the first Lords day in July or within a month if noe lawfull Impediment doe hinder in full assembly in the parish Church or Schooles in such parishes wherein the sd free Schooles shall stand And upon further trust & confidence that always after the sd Salaries payd & distributions of the reasonable charges & expenses of the sd Henry Jones John Byssie Hierome Sanckey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston their heirs & assigns shall employ all the residue of the rents & profits of the p'sents in persons or exhibitions to such poore Schollars to be educated in the sd Schooles as shall become students in the sd University or college not exceeding eight pounds a peece yearly by the space of seven years from their respective admissions into the sd University or College & noe longer & for want of such poore Schollars in the University or College aforesaid to be nominated and appointed by the sd Henry Jones John Byssie Hierome Sanckey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston or the major part of them their heirs or assigns hereafter appointed or to be appointed the Treasurer being one Provided always that the children of poore Inhabitants on the lands of the sd Erasmus Smith his heirs or assigns shall upon request bee p'ferred to the said yearly pensions or exhibitions in the College or University before any other & and in case any other be p'ferred to any of the sd persons or exhibitions when none of the sd poore Inhabitants children shall bee fit for or desire the same such person shall cease to such other when any child or children of such poore Inhabitants shall bee fit for or desire the same who shall have the same accordingly Provided also that if need soe require after the determination

of the leases now in being some part of such revenues may bee employed to the maintenance of an Usher or Ushers to be placed & upon reasonable cause displaced by the sd Erasmus Smith during his life & after his decease by them the sd Henry Jones John Byssie Hierome Sanckey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston or any four or more of them whereof the Treasurer to bee always one their heirs or assigns in such of the sd three Grammar Schooles as they shall thinke fit yett soe that noe schoole shall have above one Usher at once unless at the masters charge nor any Usher above twenty pounds p ann' & so that noe Usher require any other reward for teaching the sd poore children Provided alsoe that if at anye time through warr rebellion or violence at law or other trouble or accident whatsoever the yearly rents & p'fits of the p'sents hereby settled & confirmed to pious and charitable uses aforesaid shall not exceed three hundred pounds p ann' then the sd three hundred pounds p ann' to bee paid in manner and forme following that is to say sixty six pounds thirteen shills & four pence ster to each Schoolmaster of the three Schooles being in all two hundred pounds p ann' & one hundred pounds p ann' to the hospital of Edward King of England the sixth Christa Bridewell & St Thomas Apostles And in case the sd rents shall be diminished or fall short of three hundred pounds p ann' such rent of what value soever shall be paid to the said Schoolmasters respectively & to the hospital aforesaid with a proportionable defalcation out of them & the valuation or account of such rent is to be signed by the sd Henry Jones John Byssie Hierome Sanckey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston or the major part of them their heirs or assigns which valuation or account being examined allowed p Erasmus Smith during his life & certified under the hands of the lord primates of all Ireland & the lord Chancellor & other persons or any two of them hereafter named & appointed to receive & examine the accounts of the receipts and disbursements of the sd Henry Jones John Byssie Hierome Sanckey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston their heirs or assigns such account so valued examined allowed and sent over & delivered to the Treas of Christ's Hospital London shall be adjudged final and conclusive And upon this further trust & confidence that they the sd Henry Jones John Byssie Hierome Sanckey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston their heirs or assigns shall notwithstanding any time doe commit or suffer to be done committed say not or thing whatsoever whereby or by means whereof any of the aforesaid lands tenements or hereditaments or any of the profits thereof shall bee conveyed or transferred in or to any other p'son or p'sons whatsoever contrary to the true meaning hereof other then by such leases as are herein after mentioned or otherwise then in such manner & forme as is hereafter exp'ted And upon this further trust & confidence that they the sd Henry Jones John Byssie Hierome Sanckey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston their heirs or assigns as far as they lawfully and reasonably may shall improve & advance the yearly rents & revenues & profits of the p'sents without taking any fine or income on the making of any lease & that they may bee better informed of the improved rents & values of the p'sents they shall require of the executors of Charles late Earle of Mountbath & of Richard Kingston & their assigns at convenient times during the continuance of their leases of the p'sents for such true & exact rent rolls of all & every of the p'sents as in these sd leases are provided for to which said rent rolls & also to now & further valuations of the p'sents at convenient times to bee had & taken they shall have respect in leases hereafter to bee made And for the better execution of the trusts aforesaid they the sd Henry Jones John Byssie Hierome Sanckey Edward Roberts Richard Teigh

Daniell Hutchinson & John Preston their heirs & assigns shall be allowed all & singular the other respective charges & expenses incident to & to be expended in and about the performance of the trusts & intentions herein mentioned & in the defence & prosecution of the right title estate & interest of the p'misses & shall & may allow to a Register to be by them or any four of them the Treasurer being one appointed a reasonable salary not exceeding ten pounds in any one year until the revenue shall be increased & then his salary to be augmented as far as they in their discretion shall think fit and shall likewise allow unto such person as they or the major part of them shall choose to be Treasurer for the meeting of the rents & profits of the p'misses upon his yearly account six pence for every twenty shillings rent that shall be received by him from the tenants of the p'misses. And they the sd Henry Jones John Byss Hierome Sancey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston their heirs and assigns shall on the first Tuesday in May & on the first Tuesday in November in every year meet together if permitted in Trinity College near Dublin on some or warning from the Treas or at some other convenient place in Dublin which shall be fixed by the major part of them the Treas being one at which said meeting in any at the place aforesaid or such other place fixed by them they shall yearly & every year choose their Treasurer. And they the sd Henry Jones John Byss Hierome Sancey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston or any four or more of them their heirs & assigns & the sd Treasurer upon such summons shall have power from time to time to hold meetings & to chase & remove the Register & other persons to be employed in their service & to debate & pass matters concerning the receiving & getting in the rents & profits of the p'misses & shall have full power & are hereby authorized to make any lease or leases of the p'misses or any part thereof where any lease now or late in being shall determine end or be void provided such lease or leases which shall be made during the lifetime of the sd Erasmus Smyth shall be made by the assent of the sd Erasmus Smyth & not otherwise provided also that no leases grants conveyances or other estates shall be made by the sd Henry Jones John Byss Hierome Sancey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston their heirs or assigns of any of the p'misses except the sd lands in the County of Lincolne longer than for three years from the respective dates thereof until such time as the revenue of the p'misses shall exceed six hundred pounds p ann without the allowance of the aforesaid Erasmus Smyth nor after such time longer than for one & twenty years from the date thereof respectively except leases of houses not having above five acres of land used therewith. And that no leases shall be made above a year before any other lease of the same thing or things or any part thereof shall be expired. And also that no leases or other estate whatsoever shall be made directly or indirectly to or for or to the use or trust of the sd Henry Jones John Byss Hierome Sancey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston their heirs or assigns or their Register or any of them. And upon further trust & confidence that such Treas or shall be chosen & appointed in manner above mentioned for receiving the rents & profits of the p'misses shall & may receive the rents revenues & profits of the p'misses & shall & may disburse the same by consent & direction of them the sd Henry Jones John Byss Hierome Sancey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston or any four or more of them the Treasurer being one their heirs & assigns but not without such consent & direction in writing unless for the one hundred pounds p annum to be paid to the aforesaid hospital for exhibitions or salaries herein before mentioned to the particular persons to whom the

same shall be paid or unless for or about the buying or building of houses for the sd schools by the direction of the sd Erasmus Smyth during his life time provided also that no Treas that shall be so chosen or appointed shall continue Treas more than for three years together. And that every Treasurer at the end & expiration of his Treasurership shall p'sently pay and deliver unto the succeeding Treasurer all such monies & other things as hee shall then have in his hands which were received out of or shall relate unto the p'misses or any part thereof. And upon this further trust & confidence that the aforesaid Erasmus Smyth during his life & after his decease the Primate of all Ireland the Chancellor of our said kingdoms of Ireland the lord Archbishop of Dublin the lord Treasurer of Ireland our Chief Justice of our Court of Common Pleas in our said kingdoms of Ireland & our Chief Baron of our Court of Exchequer in our said kingdoms of Ireland all for the time being or any two or more of them be & hereby are authorized and empowered yearly to require or otherwise to receive & examine the accounts of the revenue receipts & disbursements of the sd Henry Jones John Byss Hierome Sancey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston their heirs & assigns & upon allowance of such accounts to make & give final discharges to the sd Henry Jones John Byss Hierome Sancey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston their heirs & assigns or to any Treas by them to be appointed desiring the same. And upon this further trust & confidence that whenever such a Corporation shall be legally erected & settled for the better maintenance & discharge of the Charitable uses aforesaid as by the sd Bill certified into our kingdoms of England and intitled An Act for settling of certain lands of Erasmus Smyth Esq' for Charitable uses was intended that then & in such case the sd Henry Jones John Byss Hierome Sancey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston their heirs & assigns shall upon request made unto them by any members of the sd Corporation convey all & singular the p'misses above mentioned to the sd Corporation & their successors for ever to the uses & trusts herein above mentioned & to such further Charitable uses & trusts as shall be desired p the aforesaid Erasmus Smyth upon the reason of this sd Corporation shall be limited explained & declared provided also that whenever the number of the Trustees herein mentioned shall be so lessened by death or absence out of this our said kingdoms of Ireland as that there shall not be above the number of five of them living & resident in that our kingdoms that then & in such case they the sd Henry Jones John Byss Hierome Sancey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston & the survivor of them their heirs and assigns shall make a conveyance of all & singular the premises to the uses & upon the trusts herein mentioned to such trustees as by the sd Erasmus Smyth during his life or the aforesaid lord primate lord Chancellor lord Chief Justice & lord Chief Baron for the time being or any two of them after the death of the sd Erasmus Smyth shall be nominated & in such manner as by them or any two of them shall be specified or required Saving unto the executors administrators and assigns of Charles Earl of Mountbath & to Richard Kingdon of Westminster Esq' such right title & interest of in & to the p'misses or part thereof as they can or may claim by virtue of two several leases of forty one years made by the sd Erasmus Smyth by two several indentures both bearing date the ninth day of December one thousand six hundred fifty seven made between the sd Erasmus Smyth of the one part & the sd Charles late Earl of Mountbath by the name of Sir Charles Coote Knight & Baronet lord president of Connaught & Richard Kingdon of Westminster Esq' on the other part & Whereupon the several yearly

value of three hundred pounds p ann' & two hundred and fifty pounds p ann' are respectively reserved they paying the rents & performing the covenants in the sd lease mentioned and reserved And whereas the lands commonly known by the name of the Isles of Arran now settled on the right honorable Richard Earle of Arran and in lieu whereof the said Erasmus Smith hath given the lands above mentioned lying in the County of Lymrick are comprised in the Indenture of demise wherupon the sd small rent of three hundred pounds is reserved for the avoyding of all controversies touching the apportionment of the sd rent Our will and pleasure is & wee doe hereby declare that they the said Henry Jones John Byrnes Hierome Sanckey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston shall from the time that the said Isles of Arran were settled upon the sd Earle of Arran during the continuance of the said lease have & receive the yearly rent of one hundred & seventy pounds & noe more for the remaining part of the p'mises demised by the sd lease And whereas diverse arrears of rents are due by reason of the said demise before the sd Isles of Arran were settled upon the said Earle of Arran as aforesaid which the sd Erasmus Smith did intend should have been paid unto the sd Trustees for the same above mentioned Our further will and pleasure is & Wee doe hereby declare that the sd arrears of rent shall be paid unto the said Henry Jones John Byrnes Hierome Sanckey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston to & for the

uses intents & purposes herein above mentioned And the sd Erasmus Smith his executors & administrators shall be ever debared from daymeing the same the said lands tenements & hereditaments above mentioned to bee held by them the sd Henry Jones John Byrnes Hierome Sanckey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston of us our heires & Successors as of our Castle of Dublin in free & common socage Cleered freed & exempted from the pences rent charged by the sd explanatory Act in the thirty eight page of the printed coppie thereof upon those either Irish papists Soldiers or adventurers that are to have the benefit of settlement or confirmation in any lands tenements or hereditaments by virtue of the sd Act they the sd Henry Jones John Byrnes Hierome Sanckey Edward Roberts Richard Teigh Daniell Hutchinson & John Preston theirs heires & assigns In Witnesse whereof Wee have caused these our letters to bee made patents Witnesse our aforesaid Most generall & generall goverour of our sd kingdom of Ireland at Dublin the third day of November in the eighteenth years of our reign/ Enrolled the third day of April in the nineteenth years of his sd Maties Reigne/ I certify that the foregoing is a true & authentic copy made pursuant to the Statute 30 & 31 Vic. a 70.

JOHN OVEREND OVEREND,
The Assistant Deputy-keeper of the Records.
13th April, 1853.

No. I. (h.)

THE CHARTER OF KING CHARLES II.—A.D. 1649.

(See *Supra*, p. 142.)

CHARLES the Second, by the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c., to all to whom these presents shall come, greeting. Whereas Erasmus Smith, esquire, did, heretofore intend to erect five Grammar Schools, within the Kingdom of Ireland, and to endow the same with convenient maintenance for schoolmasters, and to make further provision for the education of children at the University, which should be brought up in the same Schools, and for several other charitable uses; of which intention of the said Erasmus Smith some notice is taken by the Act, entitled "An Act for the better execution of His Majesty's gracious declaration for the settlement of his Kingdom of Ireland, and the satisfaction of the several interests of adventurers, soldiers and other his subjects there." Since the passing of which Act, upon due consideration had of the necessity of settling a more liberal maintenance upon the several schoolmasters, which shall be placed over the Grammar Schools, by making some provision also for clothing poor children, and binding them out apprentices, it hath been thought fit, by the said Erasmus Smith, to reduce the said five intended Grammar Schools unto three; and yet, nevertheless, to continue and settle the same lands and tenements, which at first were intended as a revenue to maintain five Grammar Schools, and other charitable uses, to be a perpetual revenue for maintenance of three schools, intended to be created, and for carrying on the several public and charitable uses aforesaid.

And whereas there was a bill certified and transmitted, under the great seal of Ireland, to his Majesty, in his High Court of Chancery, in England, entitled, "An Act for settling of certain lands of Erasmus Smith, esquire, for charitable uses;" which said bill is not yet passed into a law; yet the said lands, tenements, and hereditaments ought to be applied to the said charitable uses.

And whereas, in pursuance of two Acts of Parliament, lately made in the Kingdom of Ireland, one entitled "An Act for the better execution of his

Majesty's gracious declaration, for the settlement of his Kingdom of Ireland, and satisfaction of the several interests of adventurers, soldiers, and other his subjects there;" and the other entitled, "An Act for the explaining of some doubts arising upon an Act entitled, an Act for the better execution of his Majesty's gracious declaration, for the settlement of his Kingdom of Ireland, and satisfaction of the several interests of adventurers, soldiers, and other his subjects there, and for making some alterations of, and additions unto the said Act, for the more speedy and effectual settlement of the said Kingdom," The Right Reverend Father in God, Henry Jones, Lord Bishop of Meath, John Byrnes, our Chief Baron of our Court of Exchequer, in our said Kingdom of Ireland, and Hierome Sanckey, and Edward Roberts, esquires; Richard Tighe, Daniel Hutchinson, and John Preston, of the City of Dublin, Aldermen, as Trustees for the said Erasmus Smith, did for and on behalf of the said Erasmus Smith, upon the nine-and-twentieth day of January, in the seventeenth year of our reign, exhibit their petition and schedule to the Commissioners for the executing the aforesaid Act; thereby setting forth, that they, in the right and on behalf of the said Erasmus Smith, and no otherwise, are, by two clauses and provisions in the said Explanatory Act contained, lawfully entitled unto the several tenements and hereditaments, in the said petition and schedule mentioned, under several trusts and limitations; and therefore prayed an adjudication of their right and title therein, and the certificate of the said Commissioners, in order to their passing Letters Patents, under the Great Seal of Ireland for the same; and upon hearing of the said petition, and upon consideration had of one proviso or clause in the said Explanatory Act contained, the said Commissioners did declare, that it appeared to them, that the said lands, tenements, and hereditaments were seized and sequestered upon the account of the horrid Rebellion in Ireland, in the year of our Lord one thousand six hundred and forty-one, and were thereby vested in us, according to the meaning of the said acts; and that the same were assigned

and set apart to the said Erasmus Smith, or those under whom he claimeth the same, for their several and respective adventures, (bona fide) paid for lands forfeited in Ireland; and the said Commissioners did thereupon advise and decree, that the said Trustees are, by the said clauses in the said Explanatory Act, as Trustees for several charitable uses, and no otherwise, lawfully entitled unto the said several lands, tenements, and hereditaments, according to the tenor of two several Acts of Parliament, made in the sixteenth and seventeenth years of the Reign of our royal father, King Charles the First.

And whereas the said Trustees have obtained letters patents under the great seal of Ireland, bearing date at Dublin, the third day of November, in the eighteenth year of our reign, whereby the said lands, tenements and hereditaments (except as therein is mentioned to be excepted) are granted to the said Trustees, upon several trusts and intents therein mentioned, and amongst others, that the said Trustees, their heirs and assigns, should yearly, until such a Corporation should be legally erected and established, to be called by the name of "The Governors of the Schools founded by Erasmus Smith, esquire," as by the said bill certified into England, as aforesaid, was intended, they, the said Trustees, their heirs and assigns, should yearly, and every year, employ the profits by them received for and towards the discharging of such charitable uses as are therein mentioned, and according to such rules and orders as are there expressed; and upon this further trust, that whosoever such a Corporation should be legally erected and settled for the better maintenance and discharge of the charitable uses aforesaid, as by the said bill certified into England, and entitled, "An Act for settling of certain Lands of Erasmus Smith, esquire, for Charitable Uses," was intended, that then, and in such case, the said Trustees, their heirs and assigns, should, upon request made unto them by any members of the said Corporation, convey all and singular the lands in the same letters patents mentioned, to the said Corporation, and their successors, for ever, to the uses and trusts therein mentioned, and to such further charitable uses and trusts as should be desired by the said Erasmus Smith, and upon the erection of the said Corporation should be limited, expressed and declared, as by the same letters patents, amongst several other clauses and provisions therein contained, more at large is doth and may appear.

And whereas the said Erasmus Smith, hath, by his petition, been as humble suitor to us, thereby setting forth, that he hath long since designed the erection of three several Public Schools in Ireland, and to endow them with a liberal maintenance, and for the better execution of this intention, we were graciously pleased to transmit a bill into Ireland, entitled, "An Act for the settling of certain lands of Erasmus Smith, esquire, for charitable uses," by which bill a Corporation was to have been erected, by the name of the Governors of the Schools founded by Erasmus Smith, esquire, and to the end he might now at last establish the charitable uses so long intended by him under the government of such Corporation as aforesaid, hath humbly prayed, that we would vouchsafe, by our letters patents, to erect a Corporation, consisting of such members, and with such abilities to purchase, in mortmain and under such laws and ordinances for the government of the said Corporation, as are mentioned in several heads to the said petition annexed, and with such other powers, privileges and authorities as are therein expressed, and hereafter by these presents given and granted for the better government and maintenance of the said Schools, and other charitable uses aforesaid.

Now ye, therefore, that we, graciously affecting so good and charitable a work of our princely disposition and care for the furtherance thereof, and of our especial grace, certain knowledge and mere motion, have given, granted and confirmed, and by these presents for us, our heirs and successors, do give, grant and confirm,

unto the said Erasmus Smith, his heirs, executors, administrators and assigns, and to every of them, at his and their wills and pleasures, full power, licence, and lawful authority, to place, erect, found and establish three Free Grammar Schools, in the several places hereafter mentioned, that is to say, one Free School in the town of Drogheda, another in the town of Galway, or suburbs, and a third in the town of Tipperary, in our said kingdom of Ireland. And that the said Erasmus Smith, during his life, and after his decease, or during his sickness, or absence from Ireland, the Governors, hereafter named, and their successors, for ever & the Governors of the said Schools for the time being & their successors or any seven or more of them, (whereof the Treasurer for the time being to be always one, if such Treasurer shall be able to attend,) shall have full power, licence, and lawful authority, at his and their wills and pleasures, from time to time, and at all times hereafter, to place therein such numbers of poor children or scholars not exceeding the number of twenty of the said scholars, (besides the tenants children of the said Erasmus Smith, his heirs, executors or assigns, who are not to be limited to any number) as to him, the said Erasmus Smith, during his life, and after his decease, or during his sickness, or absence from Ireland, to the said Governors and their successors, and to the Governors for the time being, and their successors, or any seven or more of them, (whereof the Treasurer for the time being to be always one, if such Treasurer shall be able to attend) shall seem convenient.

And likewise that there shall be three learned, able and sufficient persons to be schoolmasters of each and every of the said Free Schools, and three other able and sufficient persons to be ushers thereof, respectively to teach and instruct the said children in grammar, so as no usher be appointed in any School where the number of the Scholars shall not exceed forty, which said schoolmasters and ushers, shall, in their respective Schools, use their best and utmost endeavours to instruct all such children in their respective Schools to write, and cast accounts, and as far as the children are capable, shall teach and instruct them in the Latin, Greek and Hebrew tongues, and fit them for the University, (if the same be desired) and the same schoolmasters, ushers and scholars, shall be, from time to time, visited and approved of, in such manner as is hereafter in these presents expressed.

And further, we, of our more especial grace, certain knowledge and mere motion, have ordained, constituted, assigned, limited and appointed, and by these presents for us, our heirs and successors, do ordain, constitute, assign, limit and appoint, that the said Free Schools, shall, from henceforth, for ever hereafter be, remain, continue and be connected, employed and used for Free Schools for the teaching and instructing of twenty such poor children or scholars, who shall dwell or inhabit within two English miles of the said respective schools, and also for the teaching and instructing of all and every of the children of the tenants of the said Erasmus Smith, his heirs, executors or assigns, at what distance cover from the said Schools such tenants shall dwell or inhabit, according to the true intent and meaning of these presents.

And to the end that such a Corporation may be legally erected as may be most fit and proper to take care of the several charitable uses hereby intended to be established, and which for the better execution and performance thereof may be capable of conveyance of the lands and tenements contained in certain letters patents herein before mentioned and referred unto, we are graciously pleased to declare, that the persons hereafter named, shall, forever hereafter, be incorporated, named and called by the name of **THE GOVERNORS OF THE SCHOOLS FOUNDED BY ERASMUS SMITH, ESQUIRE,** and the Governors of the same Free Schools by the name of **THE GOVERNORS OF THE SCHOOLS FOUNDED BY ERASMUS SMITH, ESQUIRE,** we do finally, by these

presents, for us, our heirs and successors, erect, found, establish and confirm to have continuance for ever.

And for the better maintenance and continuance of the said Free Schools, and the said charitable uses, intents and purposes, and that the same may have and take the better effect, and that all and every the manors, lands, tenements and rents, and array of rents, reversions, services and hereditaments, goods and chattels to be given, granted, conveyed, assigned, devised, willed, limited or appointed, for the maintenance, sustentation and relief of the schoolmasters and scholars aforesaid, may be the better governed, used, employed and bestowed for the maintenance of the persons to the same Schools belonging, for the time being, to have continuance for ever, we will and ordain, and do appoint, assign, limit and name, and for us, our heirs and successors, do grant and ordain, by these presents, that there shall be, for ever hereafter, thirty-two persons, which shall be called The Governors of the Schools founded by Erasmus Smith, Esquire, and for that purpose we have elected, nominated, ordained, assigned, constituted, limited and appointed, and by these presents, for us, our heirs and successors, do elect, nominate, ordain, assign, constitute, limit and appoint James, Lord Archbishop of Armagh, Primate and Metropolitan of all Ireland, and his successors Archbishops there; Michael, Lord Archbishop of Dublin, and his successors; the Lord Chancellor of Ireland, now, and for the time being; Richard, Earl of Cork and Berlington, Lord Chief Treasurer of Ireland; Arthur, Earl of Anglesey; Edward, Lord Viscount Conway and Elibolts; John, Lord Viscount Masserene; Henry, Lord Bishop of Meath; Francis, Lord Angier; James, Lord Santry, Lord Chief Justice in Ireland; Sir Edward Smith, Lord Chief Justice of the Common Pleas in Ireland; John Byrce, Esquire, Lord Chief Baron of His Majesty's Court of Exchequer in Ireland; and the two Chief Justices and the Chief Baron of the Exchequer in our kingdom of Ireland, now, and for the time being; Sir John Temple, Knight, Master of the Rolls; Sir Edward Deering, Baronet; Sir Paul Davies, Knight, Secretary of State in Ireland; Sir Francis Hamilton, Knight and Baronet; Sir Robert Booth, Knight, one of his Majesty's Justices in Ireland; Sir William Donville, Knight, His Majesty's Attorney General in Ireland; Sir John Temple, Knight, His Majesty's Solicitor General there; Sir George Lane, Knight; Sir Audley Mervyn, Knight; Hierome Sankey, Esquire; Richard Tighe, of Dublin, Alderman; Sir William Aston, one of His Majesty's Justices in Ireland; Henry Whitefield, Esquire; Edward Roberts, Esquire; Daniel Hutchinson, Ridgley Hatfield, and John Preston, Aldermen of the city of Dublin; the Provost of the College of Dublin, now, and for the time being; Philip Fernesley, Esquire, and Richard Reynolds, Esquire, to be the first and present Governors of the Schools founded by Erasmus Smith, Esquire; and that they, and the survivors of them, and such as the survivors of them, or the major part of the survivors then met and assembled, shall, from time to time, elect and choose, to make up the number of thirty-two, when and as often as any of them, or any of their successors, shall happen to die, or be removed from being Governors or Governor thereof, and that they and their successors shall be incorporated, and have a perpetual succession for ever, in deed, fact and name, and shall be one body, politic and corporate, and that the said persons, and their successors, and the survivors and survivor of them, shall be incorporated, named and called by the name of The Governors of the Schools founded by Erasmus Smith, Esquire, and then by the name of The Governors of the Schools founded by Erasmus Smith, Esquire, one body politic and corporate, by that name, to have perpetual succession, for ever to endure, we do, by these presents, for us, our heirs and successors, really and fully incorporate, make, erect, ordain, name, constitute and establish, and that by the same name of The Governors of the Schools

founded by Erasmus Smith, Esquire, they and their successors, and the survivors and survivor of them, and his and their successors, and the persons to be elected and chosen as aforesaid, shall, for ever hereafter, be incorporated, named and called, and shall, by the same name, have perpetual succession, for ever, and that they, by the same name, shall be and continue persons able and capable in the law, from time to time, and shall, by that name of incorporation, have full power and authority, and lawful capacity and ability, to purchase, take, hold, receive, enjoy and have, to them and their successors, for ever, as well goods and chattels, as manors, lands, tenements, rents, reversions, annuities and hereditaments whatsoever, as well of us, our heirs and successors, as of the said Erasmus Smith and his trustees, or his or their heirs, executors, or assigns, or any other person or persons whatsoever.

And also that the said Governors, for the time being and their successors, shall have full power and lawful authority, by the aforesaid name of The Governors of the Schools founded by Erasmus Smith, Esquire, to sue and be sued, impleaded and be impleaded, to answer and be answered unto in all manner of courts and places, that now are, or hereafter shall be within our said kingdom of Ireland, or elsewhere, as well temporal as spiritual in all manner of suits whatsoever, and of what nature or kind soever, such suits or actions be, or shall be, in the same and in as ample manner and form, to all intents, constructions and purposes, as any other person or persons, bodies politic or corporate, of our said kingdom of Ireland, being able persons, in the law may do.

And furthermore, we will and grant, by these presents, for us, our heirs and successors, unto the said Governors, for the time being, and their successors, that they, and their successors, shall have and enjoy, for ever, a common seal, which shall be engraved and circumscribed with these words "We are faithful to our trust," wherewith the same Corporation shall and may seal any instrument touching the same Corporation, and the manors, lands, tenements, rents, reversions, annuities and hereditaments, goods, chattels and other things thereto belonging, or in any way touching or concerning the same. And the said Governors shall have power, from time to time, to change their common seal, and to cause any new or other common seal to be made, so as the same be still engraved and circumscribed as aforesaid.

Nevertheless it is our true intent and meaning that the said Governors, for the time being, and their successors, nor any of them, shall do, or suffer to be done, at any time hereafter, any act or thing whereby or by means whereof any of the manors, lands, tenements, rents, reversions annuities or hereditaments of the said Corporation, or any estate, interest, possession or property of or in the same, or any of them, shall be conveyed, vested or transferred in or to any other whatsoever, contrary to the true meaning hereof, other than by such lease as is hereafter mentioned, and that in such manner and form as hereafter expressed, and not otherwise, and that such construction shall be made upon this foundation and incorporation as shall be most beneficial and available for the maintenance of the poor scholars, and for the repressing and avoiding of all acts and devices to be invented or put in use contrary to the true meaning of these presents.

And therefore our will and pleasure is and so for us, our heirs and successors, we do ordain, that the said Governors, for the time being, or their successors, or any of them, shall not make any lease, grant, conveyance or estate of any of the said manors, lands, tenements or hereditaments, which shall exceed the number of twenty-one years, and that either in possession, or not above one year before the end, expiration or determination of the estate or estates in possession, and whereupon the highest yearly rent or more, which any true tenant or occupier of the lands did pay at any time, within the space of seven years next before the making of any such lease, shall not be

reserved, and yearly payable during the continuance of every such lease, and no fine shall be taken upon the making or renewing of any such lease, other than what may be had and taken without lessening of the yearly rent appointed to be reserved as aforesaid.

And for the better preserving and improving the full rent, the lands to be demised shall always be viewed before any lease thereof made; and the rent rolls inspected; and a due information had of what rents the under-tenants or occupiers of such lands did at any time, pay to the immediate tenant or lessee of the said Corporation; and all and every the leases which shall be made otherwise, or in any other manner, shall be esteemed, and so are hereby declared to be breaches of trust, and a misemployment of the lands and tenements given to the charitable uses aforesaid; and the persons claiming such leases shall be obliged to surrender the same; and until such surrender made, shall be accountable to the said Corporation, for the full value of the said lands so demised; any less rent upon such demise reserved to the contrary notwithstanding.

And also we do ordain, grant and appoint, by these presents, for us, our heirs and successors, that so often and whosoever any one or more of the said Governors for the time being, or any other Governor or Governors, that shall be chosen hereafter, shall depart this life, or be removed from his or their place of Governor or Governors, that then and so often, the residue of the said Governors, and their successors, shall be, continue, and remain incorporate, by the same name of The Governors of the Schools founded by Erasmus Smith, equivoque, to all intents, contrivances and purposes, according to the true meaning of these presents as if all the said Governors had continued: and that then, and so often, it shall be lawful for the rest of the Governors, or the greater number of them then met and assembled, for that purpose, to elect, nominate, choose and appoint one, or more, meet person, or persons, according to the true intended meaning of these presents, into the room and place, or rooms and places, of every such Governor, or Governors, which shall so depart this life, or be removed, which person and persons, so nominated, elected, chosen, and agreed upon by the said Governors, or the greater number of them then met, as aforesaid, shall be reputed and taken, from the time of his or their election, to be, from thenceforth, together with the others, Governors of the said Schools, and after this manner to proceed, whosoever and as often as need shall require, and the same election to be made within six months after that any of the said Governor or Governors shall depart this life, or be removed.

And it is hereby declared, that if any of the members of the said Corporation, shall, willingly, absent themselves from the public meeting of the said Corporation, by the space of two years together, such absence shall be adjudged a good cause of removal, and it shall be lawful for the said Corporation to proceed to the choice of another member, in the place of him so absenting himself, if they, in their discretion, shall think fit.

And the said Erasmus Smith, during his life, and after his decease, or during his sickness or absence, and with his approbation, under his hand and seal first had, the said Governors, for the time being, or any seven or more of them, whereof the Treasurer, for the time being, to be one, (if such Treasurer shall be able to attend) shall have full power and authority to nominate, assign and appoint, and shall and may name, assign and appoint, when and as often as he and they shall think good, such persons to be Schoolmasters, Ushers, Scholars, Officer or Officers, of or for the said Free Schools, as he, the said Erasmus Smith, during his life, and after his decease, or during his sickness or absence, and with his approbation, under hand and seal first had, the said Governors, for the time being, and their successors, or any seven or more of them, (whereof the Treasurer, for the time being, to be always one, if

such Treasurer shall be able to attend) shall think meet and convenient.

And we do hereby declare, that if the said rents, revenues or profits of all or any of the manors, lands, tenements, goods or chattels, at any time to be granted or conveyed to the said Governors of the said Schools, or their successors, for the maintenance of the said Schoolmasters and Scholars, shall happen to increase or be raised or augmented to a better or greater yearly value, than formerly the same was, or that the rents, revenues and possessions of the said Schools, shall be further increased by the determination of any former estates in the said possession of the said schools, or otherwise, then all and every such increase shall be employed to the maintenance of more and other Scholars to be placed in the said Schools, or to the further augmentation of the allowances of those persons, that, for the time being, shall be in the said Schools, according to the true intent and meaning of these presents, and as far as may consist with such further declaration touching the employment of the surpluses, as is hereinafter mentioned, shall not be converted or employed to any private use.

And also we do, by these presents, for us, our heirs and successors, will, grant and ordain, that whosoever and as often as any of the said places or rooms of any of the said Schoolmasters, Ushers or Scholars, or any of them, shall become void, by death, resignation, deprivation, or otherwise, that then and so often it shall and may be lawful for the said Erasmus Smith, during his life, and after his death, or during his sickness or absence, and with his approbation, under his hand and seal first had, for the said Governors, for the time being, and their successors, or any seven or more of them, whereof the Treasurer, for the time being, to be always one, (if such Treasurer shall be able to attend) within six months, after notice given to the said Erasmus Smith of such avoidance, by writing, under the seal of the said Erasmus Smith, during his life, and after his death under the common seal of the said Corporation, to nominate and appoint other meet person or persons, in the rooms and places of them, and every of them, so deceasing, resigning or otherwise becoming void.

And if in case the said Governors, and their successors, for the time being, or any seven or more of them, whereof the Treasurer, for the time being, to be always one (if such Treasurer be able to attend) shall not, within six months after such avoidance, nominate, assign and appoint, as is aforesaid, that then and so often, and in every such case, from and after the death of the said Erasmus Smith, it shall be lawful for us, our heirs and successors, by letters patents, under the great seal of England or Ireland, or privy seal, to nominate and appoint meet person and persons to fill and every such office, rooms, place and places, as shall remain void for the time aforesaid, by the default of the said Governors and their successors, as is aforesaid.

And we do further, of our especial grace, certain knowledge and mere motion, for us, our heirs and successors, give and grant, that the said Schoolmasters, Ushers and Scholars of the said Free Schools, and every of them, shall be allowed, ordered, directed, visited, placed or displaced, by the said Erasmus Smith, during his life, and after his death, or during his sickness or absence, and with his approbation, under his hand and seal first had by the said Governors and their successors, or any three of them, to be elected by the said Corporation, according to such allowances, rules, statutes and ordinances as shall be appointed, set forth, made, devised or established, by the said Erasmus Smith, in writing, under his hand and seal, and after his death by the Governors, for the time being, and their successors, or any seven or more of them, as aforesaid, under the said common seal.

And further, we have given and granted, and by these presents do give and grant, unto the said Erasmus Smith, during his life, by writing, under

his hand and seal, and to the said Governors and their successors, for the time being, or the major part of them, then met and assembled for that purpose, after his decease, under the said common seal, full power and authority to make, set down, and appoint such rules, statutes and ordinances, for the rule, government and well ordering the said Schools, and the said Schoolmasters, ushers, and Scholars, for the time being, as to the said Erasmus Smith, during his life, and after his death to the said Governors, and their successors, for the time being, or the major part of them, so as aforesaid, assembled, shall seem meet and convenient, and that the same orders, rules, statutes, acts and ordinances so by him, them, or any of them, to be made, set down and prescribed as aforesaid, shall be and stand in full force and strength in law, to all constructions, intents and purposes, so as the same be not repugnant to our prerogative royal, nor contrary to the laws and statutes of our said realm of Ireland, nor to any ecclesiastical canons or constitutions of the church of Ireland, which then shall be in force.

And that for the better government of the said Schools, the said Erasmus Smith, during his life, and after his decease, or during his sickness, or absence from Ireland, the said Governors, for the time being, or any seven or more of them, whereof the Treasurer for the time being to be always one (if such Treasurer be able to attend) shall and may, after the decease of the said Erasmus Smith, or during his sickness, or absence from Ireland, have full power and lawful authority to visit, order, punish or displace the Schoolmasters, Ushers and Scholars, Members and Officers of the said Schools, and every of them, and to order, reform and redress all and every the disorders and misdemeanours, offences and abuses in the persons aforesaid, and every of them, or in the said Free Schools, and to censure, suspend, deprive and displace the said Schoolmasters, Ushers, and Scholars, Members and Officers, and all and every or any of them, as to him, the said Erasmus Smith, during his life, and after his death, or during his sickness, or absence from Ireland, to the said Governors, for the time being, and their successors, or any seven or more of them, as aforesaid, respectively shall seem fit, just and convenient, so always that no visitation, act or thing, in or touching the same, be had, made or done by any person or persons during the life of the said Erasmus Smith, other than by the said Erasmus Smith, and after his death, and during his sickness, or absence from Ireland, by the said Governors, for the time being, and their successors, or any seven or more of them, as aforesaid.

Provided always, that every such Schoolmaster or Usher of the said respective Schools, which shall, from time to time, be placed in as aforesaid, shall be approved of by the Archbishop or Bishop of the diocese wherein they are to live, if they shall willingly subscribe the two first canons of the church of Ireland, agreed on, in the tenth year of King Charles the First.

And we, of our further especial grace, certain knowledge and mere motion, and by our supreme power and authority, for us, our heirs and successors, do will, ordain and grant, that the said Schools, and the Schoolmasters, Ushers, and Scholars, Members, Officers, and all other the Officers and persons to be placed in the said Schools, shall, for ever hereafter, be exempted and freed of and from all visitations, punishment, and correction, to be had, used, or exercised in or upon them, or any of them, by the Ordinary of the Diocese, for the time being, or by any other person or persons whatsoever, other than by the said Erasmus Smith, during his life; and after his death, or during his sickness or absence from Ireland, by the said Governors for the time being, or their successors, or any three of them, to be elected by the said Corporation, or any seven or more of them as aforesaid, whereof the Treasurer, for the time being, to be always one (if such Treasurer be able to attend).

And we do by these presents, for us, our heirs and successors, further grant, unto the said Governors, and their successors, that they and their successors, or the major part of them, shall assemble and meet together yearly and every year, at or in such place as they at their first meeting had, and so from time to time shall declare to be the place of their next meeting, on the first Tuesday in every month of May, and on every first Tuesday in every month of November; and then, at one of the same meetings, they, the said Governors, and their successors, or the major part of them, shall, yearly and every year, nominate, elect, and choose one honest, able, and discreet person to be their Treasurer, for the receiving, keeping, paying, and disposing of the moneys, rents, revenues, and other the goods and treasures belonging to the same Schools.

And that the said Governors and their successors, or the major part of them, then and there assembled, shall and may allow to every such Treasurer, upon his accounts by him to be made and given, six pence for every twenty shillings of all such rents as shall be by him received for the benefit of the said Schools, which said Treasurer shall, yearly and every year, make and give up a true and just account of all his receipts, disbursements, and arrears of rent, and of all and every such sums of money and other the goods and revenues of and belonging to the same Schools, as shall be by him received and disposed of as aforesaid, unto the Lord Primate of all Ireland, for the time being, the Lord Chancellor of Ireland, for the time being, the two Lord Chief Justices, for the time being, and the Lord Chief Baron of the Court of Exchequer in Ireland, for the time being, or to any two of them, who shall have full power to examine and allow of such accounts, and thereupon to give final discharges thereof, as well to the said Governors and their successors, for the time being, as also to the said Treasurer for the time being, if the same shall be desired by them, or any of them.

And we do hereby declare, that no such Treasurer shall continue in the same office above the space of three years.

And we do by these presents, for us, our heirs and successors, elect, ordain, assign, constitute, limit and appoint Richard Tighe, of Dublin, Alderman, to be the first and present Treasurer.

And further, know ye, that we, for the considerations aforesaid, of our especial grace, certain knowledge, and mere motion, have given and granted, and by these presents, for us, our heirs, and successors, do give and grant, unto the said Governors, and their successors, for ever, our especial licence and free and lawful liberty, power and authority, to get, purchase, receive and take to them, and their successors, for ever, for the maintenance, sustentation and relief of all and every the person and persons to be placed in the said Schools, of and from the said Erasmus Smith, his heirs and assigns, and also from the trustees of the said Erasmus Smith, their heirs or assigns, and from all and every the persons to whom any lands or tenements, by virtue of any letters patents herebefore mentioned are given or granted, the several lands, tenements, and hereditaments therein mentioned, and also such other lands, tenements, and hereditaments as shall hereafter be conveyed unto them, and all and every the lands and tenements which shall be conveyed unto the said Corporation, by virtue of or in pursuance of the directions given by the said letters patents, or which shall be conveyed or assured by the said Erasmus Smith and his trustees, or any of them, or by any other person or persons by the procurement and with the privity and directions of the said Erasmus Smith, shall be wholly employed in and applied unto the sustentation and maintenance of the several charitable uses herein expressed, and not otherwise, charged and chargeable, notwithstanding with a yearly rent-charge of one hundred pounds, payable to the Governors of Christ's Hospital, at London, half yearly, to their treasurer there: the great of which rent-

charge, and the lands out of which it is to issue, and the charitable uses to which it is to be applied, do more fully appear, in one Indenture, tripartite, made between The Right Reverend Father in God, Henry Jones, Lord Bishop of Meath, in the kingdom of Ireland; John Myss, Lord Chief Baron of the Court of Exchequer, in the said kingdom of Ireland; Hierome Barker and Edward Roberts, Esquires; Richard Tighe, Daniel Hutchinson, and John Preston, of the city of Dublin, Aldermen, Trustees for the said Erasmus Smith, Esquires, of the first part; and the said Erasmus Smith, of the second part; and the Mayor and Commonalty and Citizens of the city of London, Governors of the possessions, revenues and goods of the Hospital of Edward, King of England, the Sixth, of Christ Bridewell and St. Thomas the Apostle, of the third part, and intended to be sealed and delivered before the lands in the said letters patents mentioned shall be conveyed to the Corporation aforesaid.

And for the better and more convenient endowment of the said Corporation, we do, by these presents, for us, our heirs and successors, give and grant, unto the said Governors, and their successors, for the time being, full power, licence, privilege and authority to purchase, have, take, receive and enjoy, to them and their successors, for ever, manors, messuages, lands, tenements, advowsons and other hereditaments whatsoever, of and from any person or persons whatsoever, so as the same do not exceed the sum of two thousand pounds per annum, the statute of mortmain, or any other statute, law, provision or restriction to the contrary thereof in any wise notwithstanding.

And to the end that all suspicion of indirect dealing, which might hereafter be used or put in practice by the aforesaid Governors or their successors, or any of them, contrary to the true intent and meaning of these presents, may be prevented, and taken away, our will and pleasure is, and we do, by these presents, for us, our heirs and successors, certify, and straightly charge and command, that the manors, lands, tenements and hereditaments, and other things, which, at any time hereafter, shall be given, granted or conveyed for the maintenance of the said charitable uses, before in these presents mentioned, nor any part or parcel of them, nor of any of them, shall, at any time hereafter, be, by the said Governors, or their successors, or any of them, leased, demised, granted or conveyed to them, the said Governors, or their successors, or to any of them, or to any other person or persons whatsoever, for or to the use, benefit or behoof of the said Governors, or their successors, or any of them. And if any lease shall be so made, the same shall be esteemed, and so is hereby declared to be a breach of trust, and a mis-employment of the lands and tenements given to the said charitable uses; and the person or persons interested in such lease shall, until surrender thereof, stand trusted for the said charitable uses, and be accountable for the full value of the said lands, any rent reserved upon such lease to the contrary notwithstanding.

And to the end it may be the better known how the residue and surplusage of the revenues, which shall be settled on the said Corporation by the said Erasmus Smith, or his trustees, or by virtue or in pursuance of the letters patents aforesaid, and charged with a rent-charge of one hundred pounds per annum, as aforesaid, we are further pleased, at the humble petition of the said Erasmus Smith, to declare, that the said Governors of the said Free Schools, founded by Erasmus Smith, esquire, and their successors, for ever, shall yearly pay, or cause to be paid, unto each Schoolmaster of the said respective Schools, during the time he shall continue in such place or employment, the yearly stipend or pension of one hundred marks apiece, per annum, at or in the School-House wherein such Schoolmaster shall dwell, and upon each first day of May and first day of November, or within sixty days after, by even and equal portions.

And if the rents and profits of the lands to be settled as aforesaid, shall not exceed three hundred pounds per annum, by reason of any war, plague or other calamity, which may happen, then the whole three hundred pounds per annum is to be applied in manner following,—viz. one hundred pounds thereof to Christ's Hospital, in London, and two hundred pounds, residue thereof, unto and amongst the said three Schoolmasters, in manner aforesaid; but if by reason of any such calamity as aforesaid, the rent shall fall short of three hundred pounds sterling per annum, then, and in such case, the said hospital and the said three Schoolmasters, and each of them, to bear a proportionable loss and defalcation.

And when the rent shall exceed three hundred pounds per annum, there shall be yearly bestowed, in repairing and beautifying the respective Schools and School-Houses, as by the said Governors, or any seven or more of them, whereof the Treasurer, for the time being, (if he be able to attend) to be always one, shall be thought convenient, and moreover there shall be paid unto each Usher, which shall be placed in the said several and respective Schools, the yearly stipend or pension of twenty pounds per annum, at the said several School-Houses respectively, and upon every first day of May and first day of November, or within sixty days after, by even and equal portions, so always that it be in the discretion of the said Governors to allow or not to allow an Usher in any of the said Schools, according as they shall find the number of the said Scholars in such Schools, or the revenue of the said Corporation, to increase or diminish, and so always that there never be more than one Usher, in any one School, to be paid by the said Corporation, and at their charges.

And there shall also be paid unto such person as shall be appointed by the College of Dublin, to read an Hebrew lecture there, during the time he shall continue to read the said lecture, the yearly sum of thirty pounds, at or upon the first day of May and the first day of November, by even and equal portions, and in default of such appointment of an Hebrew lecturer, then to such other persons, who, by the said College of Dublin, shall be appointed to read some other learned lecture there, according as the said Governors, for the time being, or any seven or more of them, (whereof the Treasurer for the time being, if he be able to attend, to be always one) shall, in their discretion, think fit.

And the residue of all the revenues and rents, which shall remain, after all the charges and payments aforesaid, fully made and satisfied, shall, during the continuance of such leases as are now in force, be distributed and applied in manner following, viz. one full moiety thereof to and for the binding out of poor children to be apprentices, to and under such Protestant masters as the said Governors, or any seven or more of them, whereof the Treasurer, for the time being, to be always one (if able to attend) shall think fit; and after the expiration of such leases, one moiety, as aforesaid, shall be applied, partly towards binding out poor children, to be apprentices, as aforesaid, and partly towards clothing of poor Scholars in the said three Grammar Schools, so always that no more than six pounds be bestowed in binding out any one apprentice, nor more than thirty shillings in clothing any one child; and that the children of the tenants of the said Erasmus Smith be preferred before the others; and the other moiety of the said revenues, as well during the said leases as also after the expiration thereof, shall be applied to such other Charitable Uses as the said Erasmus Smith, by any deed, in writing, or by his last will, shall appoint; and such appointment shall be of like force and effect, in law, as the same would have been, if it had been particularly mentioned and declared by these presents.

And we are further pleased to declare, at the humble petition aforesaid, that it shall and may be lawful to and for the Governors and Members of the said

Corporation, from time to time, and at all times, to detain and keep in their hands, and to their own use, so much of the rents and profits of the lands, as so as aforesaid to be conveyed unto them, as shall be sufficient to defray and bear all the charges and expenses which they shall or may be put to, in the execution of the several trusts before mentioned, or in defence of their title to the premises, or any part thereof. And, moreover, it shall and may be lawful, to and for the said Corporation to constitute and appoint, under their common seal, from time to time, a fit person to be Register, during their pleasure; and to allow and pay, unto such Register, the yearly stipend or pension of ten pounds, payable upon the first day of May and the first day of November, by even and equal portions and also to increase the same pension, from time to time, when the rent shall increase, as they, or any seven or more of them, whereof the Treasurer, for the time being, (if able to attend) to be always one, shall think fit.

Nevertheless it is declared, that until the Schools hereby intended to be erected and endowed shall be fully built and finished, it shall and may be lawful to and for the said Corporation, for the time being, or any seven or more of them, whereof the Treasurer, for the time being, to be always one, (if able to attend) to make orders for suspending all and every the payments herein before limited and expressed, other than the yearly payment of one hundred pounds per annum, unto Christ's Hospital, in London, and other than the yearly pension of one hundred marks a piece unto the several and respective Schoolmasters, any thing herein before contained to the contrary notwithstanding.

And although the power given to the said Corporation to make bye laws, from time to time, may very much enable them to make such wholesome orders and constitutions as may be necessary for the well regulating and governing the charitable uses aforesaid, and the revenues to be given for the sustentation and maintenance thereof, as also the persons to be hereafter employed in or about the premises, yet to the end the good and pious intentions of the founder, may, in all things, be preserved as much as is possible, we have also thought fit, at the humble petition of the said Erasmus Smith, to signify and declare further, that we do well approve of these rules, orders and constitutions following, viz:—

That the Masters and Usurers of such Free Schools, respectively, shall wholly attend upon their Schools, and shall be utterly incapable of holding their respective places so soon as they shall use or exercise any other employment or calling, of what nature or kind soever.

That the Masters of such Free Schools shall take no money, reward, or other gratuity whatsoever, for the teaching of any poor child, which shall be of the number of the twenty poor children living within two English miles of such Free School, nor of any other children, who are or shall be the children of any tenant to, or inhabitants upon the lands or possessions of the said Erasmus Smith, his heirs or assigns, or tenants to or inhabitants upon any other lands or possessions, which shall or may belong to the Corporation aforesaid, how many soever such children shall be, and at what distance soever from such Schools they shall happen to dwell.

Also the Masters of such Free Schools, respectively, shall teach all such children as shall be found capable thereof, to write, and cast accounts; and, moreover, shall instruct them in the Greek, Latin and Hebrew

tongues, and fit them for the University, if they, their parents or friends shall so desire.

Also the said Masters shall, duly, once every week, on each Lord's day, catechise their scholars, and for that purpose shall make use of the catechism set out by the late Most Reverend Father in God, James Usher, Lord Archbishop of Armagh, Lord Primate of all Ireland, and shall spend some time in expounding some part thereof unto them.

And if any of the Masters of the said Schools shall neglect any of the rules aforesaid, it shall be held to be a just cause for removal of such Master, unless the said Governors, shall, in their discretion, think fit to punish the said neglect some other way, or in some other manner.

And moreover, it shall not be lawful for any Schoolmaster, unless in case of sickness, to absent himself, without leave from the said Governors, or any five or more of them, first had and obtained, and he, who shall be appointed during such absence, to execute the place and charge of such Schoolmaster, and to officiate for him, shall, for his labour and pains therein, receive such a proportionable part of the salary of such absent Schoolmaster, as would have been payable to the said Schoolmaster if he had not absented himself.

And moreover, it shall be lawful for each Master to receive of every Scholar, at his entrance into the School, two Shillings, except the twenty poor Scholars in each School, who are to be privileged as aforesaid, and except the children of the tenants to and inhabitants upon the lands and possessions belonging to the said Erasmus Smith, his heirs or assigns, or which hereafter shall belong unto the Corporation aforesaid, who are all to be freely admitted, and freely taught, how many soever they be, and how far soever they live from the said Schools.

Provided always, that the said Governors, or their successors, shall not have power to make or appoint any laws, rules, statutes, acts, orders, or ordinances, after the death of the said Erasmus Smith, that will make void, suspend or weaken the same laws, rules, statutes, acts, orders, or ordinances constituted by the said Erasmus Smith, or any breach or circumstance thereof; which orders, rules, laws, statutes, acts and ordinances, are, and always shall remain and be in their full force and virtue, for the governing and ordering of the said Schools and works of charity.

Provided, also, that if these, our letters patents, shall not, within the space of two years next ensuing the date hereof, be duly enrolled in our High Court of Chancery in Ireland, that then all and every clause and article herein contained shall be utterly void and of no effect, any thing hereinbefore contained to the contrary in any wise notwithstanding, although express mention of the true yearly value or certainty of the premises, or of any of them, or of any other gifts or grants, by us, or by any of our progenitors or predecessors, heretofore made to the said Erasmus Smith in these presents is not made, or any statute, act, ordinance, provision, proclamation or restriction, heretofore had, made, enacted, ordained or provided, or any other matter, cause or thing whatsoever to the contrary thereof in any wise notwithstanding. In witness whereof we have caused these, our letters, to be made patents. Witness ourself, at Westminster, the twenty-sixth day of March, in the one and twentieth year of our reign.

Enrolled 19th December, 22d Charles 2d.

APPENDIX C.

(Referred to in Report, page iv.)

DOCUMENTS RELATING TO AUDIT.

I.—CIRCULAR LETTER of the LOCAL GOVERNMENT BOARD.—AUDIT of ACCOUNTS under SCHEMES framed by the EDUCATIONAL ENDOWMENTS (IRELAND) COMMISSION.

Local Government Board,

Dublin, 11th July, 1892.

SIR,—I am directed by the Local Government Board for Ireland to enclose, for the information of the Governing Body of the Endowment, copies of Rules which have been framed by the Board for the audit of the accounts of Educational Endowments under the Educational Endowments (Ireland) Act, 1885.

The Board desire to keep the expense of audit as low as is consistent with a due regard to efficiency. It has been determined, therefore, that the audit shall as far as possible be conducted in the office of the Board by an auditor or other officer specially selected for the purpose.

Under the rules, the securities belonging to the Endowments will be vouched from time to time by a competent authority; and the books in which the accounts of the Endowments are kept, when required for inspection by the auditor, may be forwarded to Dublin by Rail or Parcel Post at a trifling cost. The travelling expenses of the auditor will thus be saved

except in those cases in which necessity for a local inquiry may arise. The fee for audit to be fixed by the Board will in each case be measured by the nature, amount, and circumstances of the Endowment.

When the accounts of the Endowment are already audited in connection with some other Department of the Public Service, an additional audit may be dispensed with.

When a scheme deals with an Endowment which consists exclusively of sites and buildings occupied for school purposes, or when the amount of the Endowment administered under the Scheme is less than £50 per annum, and also in other cases, on special grounds, the Board will be prepared to sanction the appointment of a competent person, other than an officer of the Board, to audit the accounts, but it will be generally found more satisfactory and less expensive to carry out the audit through the officer of the Board.

I am, Sir, your obedient Servant,

THOS. A. MOONEY, Secretary.

To—

II.—RULES of the LOCAL GOVERNMENT BOARD WITH REGARD TO AUDIT.

1. The Audit of the Accounts of every Endowment dealt with by a Scheme framed under the Educational Endowments (Ireland) Act shall be in charge of an Auditor or other Officer of the Local Government Board.

2. The Auditor will, where necessary, visit the locality of the Endowment and audit the accounts, but, as far as possible, and where local investigation does not appear to be necessary, the audit will be conducted in the office of the Board at Dublin.

3. The Final Account of the existing Trustees of every Endowment shall be audited by an Auditor or other Officer of the Local Government Board.

NOTE.—By "Final Account" is understood the account to be prepared by the existing Trustees on handing over the Endowment to the Governing Body constituted under the Scheme.

4. The Accounts of every Endowment shall be kept in the form prescribed by the Local Government Board.

5. The Treasurer, or other Accounting Officer of each Governing Body, shall forward to the office of the Local Government Board at the close of each financial year, an abstract of the accounts of the Endowment in the form prescribed by the Board. This abstract shall be duly certified by the Governing Body of the Endowment under its common seal, and shall be accompanied by proper vouchers.

6. The Governing Body of each Endowment shall, when requested to do so by the Auditor, submit for the inspection of the Auditor the books in which the accounts of the Endowments are kept.

7. All certificates of stocks, shares, and other se-

curities shall be lodged in book, and shall, if so required, be open to the inspection of the Auditor. Upon the requisition of the Auditor a certificate shall be given by the Bank Manager of the securities belonging to any Endowment which are in his keeping.

8. The fee for the audit will be fixed by the Board in all cases in which the audit shall be in charge of an officer of the Board, and in other cases when the Board are requested by the Governing Body to do so, with due regard to the nature, amount, and circumstances of the respective Endowments. The minimum fee for audit shall be so fixed shall be the sum of £1 1s., and the maximum fee £10 10s. (unless in any case of exceptional amount or complication).

9. In the case of the Schemes set forth in the Schedule hereto, the Local Government Board will not require the audit of the accounts to be made by an officer of the Board, unless the Governing Body so desire; but will be prepared to consider for appointment as auditor the name of any qualified Accountant or Bank Manager, or other person of experience in commercial accounts, which shall be submitted to the Board by the Governing Body, and to sanction such appointment if satisfied as to the competency of the person proposed. The audit by a person thus selected will be accepted by the Board as an audit by a competent authority within the meaning of the Educational Endowments Act, and the first and fifth of the foregoing rules, and that portion of the second which requires that audits shall in certain cases be conducted in the office of the Board in Dublin, shall not apply to these cases.

SCHEDULE of SCHEMES not required to be audited by an officer of the Local Government Board, unless the Governing Body so desire.

1. Schemes dealing with Endowments which consist exclusively of sites and buildings occupied for school purposes.

2. Schemes dealing with Endowments the accounts of which are at present audited in connection with some Department of the Public Service.

3. Schemes under which the Endowment administered is less than £50 per annum.

4. Schemes chiefly dealing with school management, such as those Diocesan and Presbytery Schemes which do not include distinct Endowments of substantial amounts.

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